

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT, IN AND FOR PALM  
BEACH COUNTY, FLORIDA

CASE NO. 502014CP002815XXXXSB

OPPENHEIMER TRUST COMPANY  
OF DELAWARE, IN ITS CAPACITY  
AS RESIGNED TRUSTEE OF THE  
SIMON BERNSTEIN IRREVOCABLE  
TRUSTS CREATED FOR THE BENEFIT  
OF JOSHUA, JAKE AND DANIEL  
BERNSTEIN,

Petitioner,

v.

ELIOT AND CANDICE BERNSTEIN,  
IN THEIR CAPACITY AS PARENTS AND  
NATURAL GUARDIANS OF JOSHUA,  
JAKE AND DANIEL BERNSTEIN, MINORS,

Respondents,

/

**ANSWER AND COUNTER COMPLAINT**

**ANSWER**

COMES NOW, Eliot Ivan Bernstein (“Eliot”) and Candice Michelle Bernstein (“Candice”), both PRO SE, Eliot as Beneficiary and Interested Party both for himself personally and with Candice as Guardians for their three minor children (“Petitioners”) and hereby files this “ANSWER AND COUNTER COMPLAINT” and in support thereof states, as follows:

**ANSWER**

ANSWER AND COUNTER COMPLAINT

Monday, June 30, 2014

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1. This is an action pursuant to Fla. Stat. § 736.0201 for (i) instructions regarding the delivery of trust property upon the sole trustee's resignation; (ii) approval of the resigned trustee's final accounting; and (iii) release and discharge of the resigned trustee.

**ANSWER** – Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

2. Petitioner, Oppenheimer Trust Company of Delaware ("Oppenheimer"), is a Delaware corporation with its principal place of business in Wilmington, Delaware.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

3. Respondents, Eliot and Candice Bernstein, are the parents and natural guardians of minors, Joshua, Jake and Daniel Bernstein, and reside with them in Palm Beach County, Florida. Joshua, Jake and Daniel Bernstein are the sole beneficiaries under three in-evocable trusts (the "Trusts") created by their late grandfather, Simon Bernstein, on September 7, 2006. Copies of the Trusts are attached hereto as Exhibits "A" through "C."

**ANSWER** – Admit in part, deny in part. Admit Eliot and Candice are the parents and natural guardians of minors, Joshua, Jacob (not Jake as claimed as his legal name is Jacob) and Daniel Bernstein. Petitioners lack sufficient information and knowledge regarding the remainder to form a belief as to the truth of the allegations of this paragraph and therefore deny the same.

4. Jurisdiction and venue are proper in Palm Beach County, Florida because the beneficiaries of the Trusts reside here.

**ANSWER** – Admit in part, deny in part. Admit the beneficiaries reside in Florida. Petitioners lack sufficient information and knowledge regarding the remainder to form a belief as to the truth of the allegations of this paragraph and therefore deny the same.

5. Gerald R. Lewin was the initial trustee of the Trusts.

**ANSWER - DENY**

6. On September 5, 2007, Mr. Lewin resigned as trustee and appointed Stanford Trust Company as his successor pursuant to Section 5 .3 of the Trusts.

ANSWSER – DENY. Gerald Lewin was never the trustee of the children's trusts and was never appointed Stanford Trust Company as his successor pursuant to Section 5.3 of the Trusts.

7. By virtue of an April 23, 2009 Order entered by the United States District Court for the Northern District of Texas in the matter of SEC v. Stanford International Bank, Ltd., et. al., Case No. 3-09CV0298-N, Stanford Trust Company was deemed to have resigned or been removed as fiduciary for any and all fiduciary accounts, including the Trusts. A copy of that Order is attached hereto as Exhibit "D." Stanford Trust Company's resignation/removal left the Trusts without a trustee.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

8. In 2010, Eliot and Candice Bernstein, as the parents and natural guardians of Joshua, Jake and Daniel Bernstein, filed Petitions to Appoint Successor Trustee for each of the Trusts in the Circuit Court in and for Palm Brach County, Case Nos. 50201 OCP003123XXXX.SB, 50201 OCP003125XXXXSB and 50201 OCP003128XXXXSB.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

9. On July 8, 2010, the Palm Beach Probate Court entered Final Orders on Petition to Appoint Successor Trustee, appointing Oppenheimer as the successor trustee of each of the Trusts. Copies of those Orders and Oppenheimer's July 30, 2010 acceptance of the appointments are attached hereto as Composite Exhibits "E" through "G."

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

10. By letter dated April 22, 2014 (the "Notice of Resignation"), Oppenheimer resigned as trustee effective May 26, 2014. A copy of the Notice of Resignation is attached hereto as Exhibit "H."

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

11. In the Notice of Resignation, Oppenheimer advised Eliot and Candice Bernstein of their right and obligation to appoint a successor corporate trustee. To date, they have declined to do so.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

12. In addition to other relief requested herein, Oppenheimer requires instructions regarding the delivery of Trust assets in its possession to another trustee, or to Eliot and Candice Bernstein as the natural guardians of the beneficiaries.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

13. The Trusts provide, in relevant part, as follows:

5.2 Resignation. Any Trustee may resign by giving 30 days' written notice delivered personally or by mail to any then serving Co-Trustee and to the Settlor if he is then living and not disabled; otherwise to the next named successor Trustee, or if none, to the persons having power to appoint successor Trustees.

5.3 Power to Name Other Trustees. Whenever a successor Trustee is required and that position is not filled under the terms specified in this Trust Agreement, an individual Trustee ceasing to serve (other than a Trustee being removed) may appoint his or her successor, but if none is

appointed, the remaining Trustees, if any, or the beneficiary shall appoint a successor Corporate Trustee. The appointment will be by a written document (including a testamentary instrument) delivered to the appointed Trustee. In no event may the Settler ever be appointed as the Trustee under this Trust Agreement nor shall a Successor trustee be appointed that will cause this trust to be a grantor trust.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

14. Similarly, Fla. Stat. § 736.0705, entitled "Resignation of trustee," provides, in relevant part, as follows:

(1) A trustee may resign:

(a) Upon at least 30 days' notice to the qualified beneficiaries, the settlor, if living, and all cotrustees...

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

15. Fla. Stat. § 736.0704, entitled "Vacancy in trusteeship; appointment of successor," provides, in relevant part, as follows:

(3) A vacancy in a trusteeship of a noncharitable trust that is required to be filled must be filled in the following order of priority:

- (a) By a person named or designated pursuant to the terms of the trust to act as successor trustee.
- (b) By a person appointed by unanimous agreement of the qualified beneficiaries.
- (c) By a person appointed by the court.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

16. Finally, Fla. Stat. § 736.0707 requires a resigned trustee to deliver trust property to a successor trustee or other person entitled to the property, and provides that the resigned trustee has the duties of a trustee, and the power necessary to protect the trust property, until the property is so delivered.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

17. Oppenheimer reincorporates the allegations set forth in paragraphs 1 through 16.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

18. Oppenheimer, as the resigned trustee, is required to deliver the Trust property in its possession to a successor trustee or another authorized person.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

19. Because Candice and Eliot Bernstein, as the natural guardians of the beneficiaries, have failed to appoint a successor corporate trustee, the Court must either (i) appoint a successor trustee to whom Oppenheimer may deliver the Trust property or (ii) terminate the Trusts and permit Oppenheimer to deliver the Trust property to Eliot and Candice Bernstein, as the natural guardians of the Trusts' beneficiaries.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

20. Oppenheimer reincorporates the allegations set forth in paragraphs 1 through 16.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

21. Oppenheimer, as the resigned trustee of the Trusts, requests review, settlement and approval of its final accounting to be filed herein, and for an order releasing and discharging Oppenheimer from all claims arising out of or related to its service as trustee.

**ANSWER** - Petitioners lack sufficient information and knowledge to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

Filed on **Monday, June 30, 2014**

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his three minor children.

X\_\_\_\_\_

Candice Bernstein, Pro Se, as legal guardian on behalf of her three minor children.

X\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, ELIOT IVAN BERNSTEIN, HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to all parties on the following Service List, **Monday, June 30, 2014.**

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his three minor children

X\_\_\_\_\_

**SERVICE LIST**

ANSWER AND COUNTER COMPLAINT

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ANSWER AND COUNTER COMPLAINT

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IN THE CIRCUIT COURT OF THE 15TH  
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BEACH COUNTY, FLORIDA

CASE NO. 502014CP002815XXXXSB

ELIOT AND CANDICE BERNSTEIN,  
IN THEIR CAPACITY AS PARENTS AND  
NATURAL GUARDIANS OF JOSHUA,  
JAKE AND DANIEL BERNSTEIN, MINORS,

Plaintiffs,

v.

OPPENHEIMER & CO. INC. AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

OPPENHEIMER & CO. INC. AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LEGACY BANK OF FLORIDA AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

STANFORD FINANCIAL GROUP AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

JP MORGAN CHASE & CO. AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,

ANSWER AND COUNTER COMPLAINT

Monday, June 30, 2014

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REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

JANET CRAIG, INDIVIDUALLY;

JANET CRAIG, PROFESSIONALLY AS ALLEGED TRUSTEE FOR JOSHUA, JACOB AND DANIEL BERNSTEIN, MINORS;

JANET CRAIG, PROFESSIONALLY AS ALLEGED MANAGER OF BERNSTEIN FAMILY REALTY LLC;

HUNT WORTH, INDIVIDUALLY;

HUNT WORTH, PROFESSIONALLY;

WILLIAM MCCABE, ESQ., INDIVIDUALLY;

WILLIAM MCCABE, ESQ., PROFESSIONALLY;

THEODORE STUART BERNSTEIN, INDIVIDUALLY;

PAMELA SIMON, INDIVIDUALLY;

PAMELA SIMON AS AN OFFICER AND DIRECTOR OF STP ENTERPRISES;

STP ENTERPRISES, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

THEODORE STUART BERNSTEIN AS ALLEGED MANAGER OF BERNSTEIN FAMILY REALTY LLC;

THEODORE STUART BERNSTEIN AS PRESIDENT/CEO/DIRECTOR OF LIC HOLDINGS, INC.;

ROBERT SPALLINA, ESQ., INDIVIDUALLY;

ROBERT SPALLINA, ESQ., PROFESSIONALLY;

DONALD R. TESCHER, ESQ., PERSONALLY;

DONALD R. TESCHER, ESQ., PROFESSIONALLY;

GUTTER CHAVES JOSEPHER RUBIN FORMAN FLEISHER MILLER P.A. FKA TESCHER GUTTER CHAVES JOSEPHER RUBIN RUFFIN & FORMAN AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

TESCHER & SPALLINA, P.A., AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

MARK MANCERI, ESQ., PERSONALLY;

MARK MANCERI, ESQ., PROFESSIONALLY;

MARK R. MANCERI, P.A. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

PAGE, MRACHEK, FITZGERALD & ROSE, P.A. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

ALAN B. ROSE, ESQ. – PERSONALLY;

ALAN B. ROSE, ESQ. – PROFESSIONALLY;

PANKAUSKI LAW FIRM PLLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

JOHN J. PANKAUSKI, ESQ. – PERSONALLY;

JOHN J. PANKAUSKI, ESQ. – PROFESSIONALLY;

KIMBERLY FRANCIS MORAN – PERSONALLY;

KIMBERLY FRANCIS MORAN – PROFESSIONALLY;

LINDSAY BAXLEY AKA LINDSAY GILES – PERSONALLY;

LINDSAY BAXLEY AKA LINDSAY GILES – PROFESSIONALLY;

GERALD R. LEWIN, CPA – PERSONALLY;

GERALD R. LEWIN, CPA – PROFESSIONALLY;

CBIZ, INC. (NYSE: CBZ) AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, CPA'S, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

SIMON L. BERNSTEIN TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

WILL OF SIMON BERNSTEIN (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

ESTATE / WILL OF SIMON BERNSTEIN (2012) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL (EXCLUDING BENJAMIN BROWN AND BRIAN O'CONNELL);

SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2012) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

WILMINGTON TRUST 088949-000 SIMON L BERNSTEIN IRREVECABLE TRUST

AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

WILMINGTON TRUST AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

WILL OF SHIRLEY BERNSTEIN (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SHIRLEY BERNSTEIN TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SHIRLEY BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SHIRLEY BERNSTEIN FAMILY FOUNDANTION, INC. AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

THEODORE BERNSTEIN AS THE PERSONAL REPRESENTATIVE OF THE WILL OF SHIRLEY BERNSTEIN (2008);

THEODORE BERNSTEIN AS THE ALLEGED TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST AGREEMENT (2008);

ROBERT L. SPALLINA, ESQ. AS THE FORMER CO-PERSONAL REPRESENTATIVE OF THE ALLEGED WILL OF SIMON BERNSTEIN (2012);

ROBERT L. SPALLINA, ESQ. AS THE FORMER CO-TRUSTEE OF THE SIMON L. BERNSTEIN ALLEGED AMENDED AND RESTATED TRUST AGREEMENT (2012);

DONALD TESCHER, ESQ. AS THE FORMER CO-PERSONAL REPRESENTATIVE OF THE ALLEGED WILL OF SIMON BERNSTEIN (2012);

DONALD TESCHER, ESQ. AS THE FORMER CO-TRUSTEE OF THE ALLEGED SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);

ROBERT SPALLINA, ESQ., AS COUNSEL TO THE PERSONAL REPRESENTATIVES

AND CO-TRUSTEES OF THE ALLEGED WILL OF SIMON BERNSTEIN (2012) AND THE ALLEGED SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);

DONALD TESCHER, ESQ., AS COUNSEL TO THE PERSONAL REPRESENTATIVES AND CO-TRUSTEES OF THE ALLEGED WILL OF SIMON BERNSTEIN (2012) AND THE ALLEGED SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);

THEODORE BERNSTEIN AS THE ALLEGED SUCCESSOR TRUSTEE OF THE SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);

SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995 (CURRENTLY MISSING AND LEGALLY NONEXISTENT) AND ITS CURRENT ALLEGED AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SIMON BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SHIRLEY BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

THE 2000 LAST WILL AND TESTAMENT OF SIMON BERNSTEIN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

THE 2000 LAST WILL AND TESTAMENT OF SHIRLEY BERNSTEIN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

ALBERT GORTZ, ESQ. – PERSONALLY;

ALBERT GORTZ, ESQ. – PROFESSIONALLY;

PROSKAUER ROSE, LLP AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

MARITAL TRUST AND FAMILY TRUST CREATED BY SHIRLEY BERNSTEIN TRUST (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SHIRLEY BERNSTEIN TRUST AGREEMENT DATED MAY 20, 2008 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

BERNSTEIN FAMILY REALTY, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

BERNSTEIN HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

BERNSTEIN FAMILY INVESTMENTS, LLLP AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIFE INSURANCE CONCEPTS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIC HOLDINGS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIC HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIC HOLDINGS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

CFC OF DELAWARE, LLC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,

SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIFE INSURANCE CONNECTION, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

TSB HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

TSB INVESTMENTS LLLP AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIFE INSURANCE CONCEPTS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIFE INSURANCE INNOVATIONS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

ARBITRAGE INTERNATIONAL MANAGEMENT LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

ARBITRAGE INTERNATIONAL MARKETING, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,

REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

ARBITRAGE INTERNATIONAL HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

TOTAL BROKERAGE SOLUTIONS LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

CAMBRIDGE FINANCING COMPANY AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

NATIONAL SERVICE ASSOCIATION, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

NATIONAL SERVICE CORP (FLORIDA) AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

NATIONAL SERVICES PENSION PLAN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

ARBITRAGE INTERNATIONAL MARKETING INC. 401 (K) PLAN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

S.B. LEXINGTON, INC. 501(C)(9) VEBA TRUST;

TRUST F/B/O JOSHUA BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 9/13/2012 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

TRUST F/B/O DANIEL BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 9/13/2012 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

TRUST F/B/O JAKE BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 9/13/2012 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

ELIOT BERNSTEIN FAMILY TRUST DATED MAY 20, 2008 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

DANIEL BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 049738 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

JAKE BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

JOSHUA Z BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

JILL IANTONI, TRUSTEE F/B/O JULIA IANTONI UNDER THE SIMON BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348369) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

TED BERNSTEIN, TRUSTEE F/B/O ALEXANDRA BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348370) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

TED BERNSTEIN, TRUSTEE F/B/O ERIC BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348371) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

TED BERNSTEIN, TRUSTEE F/B/O MICHAEL BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348372);

PAM SIMON, TRUSTEE F/B/O MOLLY SIMON UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6372583) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

LISA FRIEDSTEIN, TRUSTEE F/B/O MAX FRIEDSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6372584) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

LISA FRIEDSTEIN, TRUSTEE F/B/O CARLY FRIEDSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6372585) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

HERITAGE UNION LIFE AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

JOHN AND JANE DOE'S (1-5000),

Defendants,

/

DECLARATION THAT THIS PROCEEDING AND OTHERS RELATED ARE ADVERSARY

The Undersigned, \_\_\_\_\_, alleges:

1. There is now pending in the above Estates and Trusts of Simon and Shirley Bernstein proceedings,
  - i. Simon Bernstein Estate Case No. \_\_\_\_
  - ii. Shirley Bernstein Estate Case No. \_\_\_\_
  - iii. Simon Bernstein Amended and Restated Trust
  - iv. Shirley Bernstein Trust Agreement
  - v. Trusts created for the benefit of Joshua, Jacob and Daniel Bernstein, Nos. \_\_\_\_
2. Pursuant to Florida Probate Rule, 5.025(b), the undersigned hereby declares the proceedings to be adversary.

3. Hereafter all proceedings relating thereto, as nearly as practicable, shall be construed similar to suits of a civil nature, and the Florida Rules of Civil Procedure shall govern.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on \_\_\_\_\_,

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Declarant

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his three minor children.

2753 NW 34<sup>th</sup> Street  
Boca Raton, FL 33434

**SERVICE LIST**

ANSWER AND COUNTER COMPLAINT

**Monday, June 30, 2014**

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IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT, IN AND FOR PALM  
BEACH COUNTY, FLORIDA

CASE NO. 502014CP002815XXXXSB

ELIOT AND CANDICE BERNSTEIN,  
IN THEIR CAPACITY AS PARENTS AND  
NATURAL GUARDIANS OF JOSHUA,  
JAKE AND DANIEL BERNSTEIN, MINORS,

HON.

Plaintiffs,

v.

OPPENHEIMER & CO. INC. AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

OPPENHEIMER & CO. INC. AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LEGACY BANK OF FLORIDA AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

STANFORD FINANCIAL GROUP AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

JP MORGAN CHASE & CO. AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,

ANSWER AND COUNTER COMPLAINT

Monday, June 30, 2014

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REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

JANET CRAIG, INDIVIDUALLY;

JANET CRAIG, PROFESSIONALLY AS ALLEGED TRUSTEE FOR JOSHUA, JACOB AND DANIEL BERNSTEIN, MINORS;

JANET CRAIG, PROFESSIONALLY AS ALLEGED MANAGER OF BERNSTEIN FAMILY REALTY LLC;

HUNT WORTH, INDIVIDUALLY;

HUNT WORTH, PROFESSIONALLY;

WILLIAM MCCABE, ESQ., INDIVIDUALLY;

WILLIAM MCCABE, ESQ., PROFESSIONALLY;

THEODORE STUART BERNSTEIN, INDIVIDUALLY;

PAMELA SIMON, INDIVIDUALLY;

PAMELA SIMON AS AN OFFICER AND DIRECTOR OF STP ENTERPRISES;

STP ENTERPRISES, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

THEODORE STUART BERNSTEIN AS ALLEGED MANAGER OF BERNSTEIN FAMILY REALTY LLC;

THEODORE STUART BERNSTEIN AS PRESIDENT/CEO/DIRECTOR OF LIC HOLDINGS, INC.;

ROBERT SPALLINA, ESQ., INDIVIDUALLY;

ROBERT SPALLINA, ESQ., PROFESSIONALLY;

DONALD R. TESCHER, ESQ., PERSONALLY;

DONALD R. TESCHER, ESQ., PROFESSIONALLY;

GUTTER CHAVES JOSEPHER RUBIN FORMAN FLEISHER MILLER P.A. FKA TESCHER GUTTER CHAVES JOSEPHER RUBIN RUFFIN & FORMAN AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

TESCHER & SPALLINA, P.A., AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

MARK MANCERI, ESQ., PERSONALLY;

MARK MANCERI, ESQ., PROFESSIONALLY;

MARK R. MANCERI, P.A. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

PAGE, MRACHEK, FITZGERALD & ROSE, P.A. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

ALAN B. ROSE, ESQ. – PERSONALLY;

ALAN B. ROSE, ESQ. – PROFESSIONALLY;

PANKAUSKI LAW FIRM PLLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

JOHN J. PANKAUSKI, ESQ. – PERSONALLY;

JOHN J. PANKAUSKI, ESQ. – PROFESSIONALLY;

KIMBERLY FRANCIS MORAN – PERSONALLY;

KIMBERLY FRANCIS MORAN – PROFESSIONALLY;

LINDSAY BAXLEY AKA LINDSAY GILES – PERSONALLY;

LINDSAY BAXLEY AKA LINDSAY GILES – PROFESSIONALLY;

GERALD R. LEWIN, CPA – PERSONALLY;

GERALD R. LEWIN, CPA – PROFESSIONALLY;

CBIZ, INC. (NYSE: CBZ) AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, CPA'S, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

SIMON L. BERNSTEIN TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

WILL OF SIMON BERNSTEIN (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

ESTATE / WILL OF SIMON BERNSTEIN (2012) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL (EXCLUDING BENJAMIN BROWN AND BRIAN O'CONNELL);

SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2012) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

WILMINGTON TRUST 088949-000 SIMON L BERNSTEIN IRREVECABLE TRUST

AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

WILMINGTON TRUST AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

WILL OF SHIRLEY BERNSTEIN (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SHIRLEY BERNSTEIN TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SHIRLEY BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SHIRLEY BERNSTEIN FAMILY FOUNDANTION, INC. AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

THEODORE BERNSTEIN AS THE PERSONAL REPRESENTATIVE OF THE WILL OF SHIRLEY BERNSTEIN (2008);

THEODORE BERNSTEIN AS THE ALLEGED TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST AGREEMENT (2008);

ROBERT L. SPALLINA, ESQ. AS THE FORMER CO-PERSONAL REPRESENTATIVE OF THE ALLEGED WILL OF SIMON BERNSTEIN (2012);

ROBERT L. SPALLINA, ESQ. AS THE FORMER CO-TRUSTEE OF THE SIMON L. BERNSTEIN ALLEGED AMENDED AND RESTATED TRUST AGREEMENT (2012);

DONALD TESCHER, ESQ. AS THE FORMER CO-PERSONAL REPRESENTATIVE OF THE ALLEGED WILL OF SIMON BERNSTEIN (2012);

DONALD TESCHER, ESQ. AS THE FORMER CO-TRUSTEE OF THE ALLEGED SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);

ROBERT SPALLINA, ESQ., AS COUNSEL TO THE PERSONAL REPRESENTATIVES

AND CO-TRUSTEES OF THE ALLEGED WILL OF SIMON BERNSTEIN (2012) AND THE ALLEGED SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);

DONALD TESCHER, ESQ., AS COUNSEL TO THE PERSONAL REPRESENTATIVES AND CO-TRUSTEES OF THE ALLEGED WILL OF SIMON BERNSTEIN (2012) AND THE ALLEGED SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);

THEODORE BERNSTEIN AS THE ALLEGED SUCCESSOR TRUSTEE OF THE SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);

SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995 (CURRENTLY MISSING AND LEGALLY NONEXISTENT) AND ITS CURRENT ALLEGED AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SIMON BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SHIRLEY BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

THE 2000 LAST WILL AND TESTAMENT OF SIMON BERNSTEIN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

THE 2000 LAST WILL AND TESTAMENT OF SHIRLEY BERNSTEIN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

ALBERT GORTZ, ESQ. – PERSONALLY;

ALBERT GORTZ, ESQ. – PROFESSIONALLY;

PROSKAUER ROSE, LLP AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

MARITAL TRUST AND FAMILY TRUST CREATED BY SHIRLEY BERNSTEIN TRUST (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

SHIRLEY BERNSTEIN TRUST AGREEMENT DATED MAY 20, 2008 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

BERNSTEIN FAMILY REALTY, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

BERNSTEIN HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

BERNSTEIN FAMILY INVESTMENTS, LLLP AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIFE INSURANCE CONCEPTS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIC HOLDINGS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIC HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIC HOLDINGS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

CFC OF DELAWARE, LLC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,

SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIFE INSURANCE CONNECTION, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

TSB HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

TSB INVESTMENTS LLLP AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIFE INSURANCE CONCEPTS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

LIFE INSURANCE INNOVATIONS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

ARBITRAGE INTERNATIONAL MANAGEMENT LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

ARBITRAGE INTERNATIONAL MARKETING, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,

REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

ARBITRAGE INTERNATIONAL HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

TOTAL BROKERAGE SOLUTIONS LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

CAMBRIDGE FINANCING COMPANY AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

NATIONAL SERVICE ASSOCIATION, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

NATIONAL SERVICE CORP (FLORIDA) AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

NATIONAL SERVICES PENSION PLAN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

ARBITRAGE INTERNATIONAL MARKETING INC. 401 (K) PLAN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

S.B. LEXINGTON, INC. 501(C)(9) VEBA TRUST;

TRUST F/B/O JOSHUA BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 9/13/2012 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

TRUST F/B/O DANIEL BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 9/13/2012 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

TRUST F/B/O JAKE BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 9/13/2012 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

ELIOT BERNSTEIN FAMILY TRUST DATED MAY 20, 2008 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

DANIEL BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 049738 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

JAKE BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

JOSHUA Z BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

JILL IANTONI, TRUSTEE F/B/O JULIA IANTONI UNDER THE SIMON BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348369) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

TED BERNSTEIN, TRUSTEE F/B/O ALEXANDRA BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348370) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

TED BERNSTEIN, TRUSTEE F/B/O ERIC BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348371) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

TED BERNSTEIN, TRUSTEE F/B/O MICHAEL BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348372);

PAM SIMON, TRUSTEE F/B/O MOLLY SIMON UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6372583) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

LISA FRIEDSTEIN, TRUSTEE F/B/O MAX FRIEDSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6372584) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

LISA FRIEDSTEIN, TRUSTEE F/B/O CARLY FRIEDSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6372585) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;

HERITAGE UNION LIFE AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;

JOHN AND JANE DOE'S (1-5000),

Defendants,

/

### **COUNTER COMPLAINT**

Comes now, Plaintiffs, Eliot Ivan Bernstein (“Eliot”) and Candice Michelle Bernstein (“Candice”) (together, “Plaintiffs”), Individually, PRO SE and as the Natural Guardians of three irrevocable trusts created by Simon Bernstein for the benefit of his grandchildren of Candice and Eliot, namely Joshua, Jake and Daniel Bernstein, as Guardians for the members of Bernstein Family Realty LLC and beneficiaries of the hereunder sued Trusts and Estates set up by Simon and Shirley Bernstein and sues the following parties and so states on information and belief:

### **Parties, Jurisdiction and Venue**

1. This is an action pursuant to Fla. Stat. §736.0201 and other applicable statutes for money damages in excess of \$15,000.00 and for equitable, compensatory, punitive and other reliefs.

2. Plaintiffs, Eliot Ivan Bernstein (“Eliot”) and Candice Michelle Bernstein (“Candice”), are the parents and natural guardians of minors, Joshua Ennio Zander Bernstein (“Joshua”) or (“Josh”), Jacob Noah Archie Bernstein (“Jacob”) or (“Jake”) and Daniel Elijsha Abe Ottomo Bernstein (“Daniel”) or (“Danny”), and reside with them in Palm Beach County, Florida. Joshua, Jacob and Daniel are the sole beneficiaries under three irrevocable trusts (the "Trusts") created by their late grandfather, Simon Leon Bernstein (“Simon”) and grandmother Shirley Bernstein (“Shirley”), on September 7, 2006. Eliot, Candice and their children are also beneficiaries of Trusts, the Estates and Entities sued hereunder.
3. Defendant Oppenheimer & Co. Inc. is headquartered in New York, New York and doing business in Florida.
4. Defendant, Oppenheimer Trust Company of Delaware ("Oppenheimer") is a Delaware corporation with its principal place of business in Wilmington, Delaware and doing business in Florida.
5. Defendant, Legacy Bank of Florida (“Legacy”) is domiciled in Florida and doing business in Florida.
6. Defendant, Stanford Financial Group (“Stanford”) is in receivership in Texas and was doing business in Florida.
7. Defendant, JPMorgan Chase & Co. (“JPM”) is headquartered in New York, New York and doing business in Florida.
8. Defendant, Bernstein Family Realty LLC (“BFR”) is domiciled in Florida.
9. Defendant, LIC Holding, Inc. (“LICI”) is domiciled in Florida.
10. Defendant, LIC Holdings, LLC (“LICL”) is domiciled in Florida.
11. Defendant, Janet Craig (“Craig”), Personally, is an employee of Oppenheimer & Co. Inc.

12. Defendant, Janet Craig, Professionally as alleged Trustee for Trusts of Joshua, Jacob and Daniel Bernstein (Minors), is an employee of Oppenheimer & Co. Inc.
13. Defendant, Janet Craig, Professionally as alleged Manager of Bernstein Family Realty, is an employee of Oppenheimer & Co. Inc.
14. Defendant, Hunt Worth (“Worth”), Individually, is an employee of Oppenheimer & Co. Inc.
15. Defendant, Hunt Worth, Professionally, is an employee of Oppenheimer & Co. Inc.
16. Defendant, William McCabe, Esq., Individually, is an employee of Oppenheimer & Co. Inc.
17. Defendant, William McCabe, Esq., Professionally, is an employee of Oppenheimer & Co. Inc.
18. Defendant, Theodore Stuart Bernstein (“Theodore”) or (“Ted”), Individually, is a resident of Florida.
19. Defendant, Pamela Beth Simon (“Pamela”) or (“Pam”), Individually, is a resident of Illinois.
20. Defendant, Pamela Beth Simon (“Pamela”) or (“Pam”), Professionally, is an Employee, Officer and Director of STP Enterprises, Inc. and resident of Illinois.
21. Defendant, STP Enterprises, Inc. is an Illinois company with Headquarters in Illinois and doing business in Florida.
22. Defendant, Theodore Stuart Bernstein as alleged Manager of Bernstein Family Realty LLC, is a resident of Florida.
23. Defendant, Theodore Stuart Bernstein is an Employee, Officer and Director of LIC Holdings, Inc. and is a resident of Florida.
24. Defendant, Robert Spallina, Esq. (“Spallina”), Individually, is a resident of Florida.
25. Defendant, Robert Spallina, Esq., Professionally, is a resident of Florida.
26. Defendant, Donald R. Tescher, Esq. (“Tescher”), Personally, is a resident of Florida.
27. Defendant, Donald R. Tescher, Esq., Professionally, is a resident of Florida.
28. Defendant, Gutter Chaves Josepher Rubin Forman Fleisher Miller, P.A., is domiciled in Florida.

29. Defendant, Tescher & Spallina, P.A. (“TSPA”) is domiciled in Florida.
30. Defendant, Mark Manceri, Esq. (“Manceri”), Personally, is a resident of Florida.
31. Defendant, Mark Manceri, Esq., Professionally, is a resident of Florida.
32. Defendant, Mark R. Manceri, P.A. (“MRMPA”) is domiciled in Florida.
33. Defendant, Page, Mrachek, Fitzgerald & Rose, P.A. (“PMFR”) is domiciled in Florida.
34. Defendant, Alan B. Rose, Esq., (“Alan”), Personally, is a resident of Florida.
35. Defendant, Alan B. Rose, Esq., Professionally, is a resident of Florida.
36. Defendant, Pankauski Law Firm PLLC (“PLF”), is domiciled in Florida.
37. Defendant, John J. Pankauski, Esq. (“Pankauski”), Personally, is a resident of Florida.
38. Defendant, John J. Pankauski, Esq., Professionally, is a resident of Florida.
39. Defendant, Kimberly Francis Moran (“Moran”), Personally, is a resident of Florida.
40. Defendant, Kimberly Francis Moran, Professionally, is a resident of Florida.
41. Defendant, Lindsay Baxley aka Lindsay Giles (“Baxley”), Personally, is a resident of Florida.
42. Defendant, Lindsay Baxley aka Lindsay Giles, Professionally, is a resident of Florida.
43. Defendant, Gerald R. Lewin (“Lewin”), Personally, is a resident of Florida.
44. Defendant, Gerald R. Lewin, Professionally, is a resident of Florida.
45. Defendant, CBIZ, INC. (NYSE: CBZ) (“CBIZ”), is domiciled in Ohio and doing business in Florida.
46. Defendant, SIMON L. BERNSTEIN TRUST AGREEMENT (2008) is a Trust established in Florida by Simon.
47. Defendant, SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008) is a Trust established in Florida by Simon.
48. Defendant, WILL OF SIMON BERNSTEIN (2008) is a Will established in Florida by Simon.

49. Defendant, ESTATE / WILL OF SIMON BERNSTEIN (2012) is a Will established in Florida by Simon.

50. Defendant, SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2012) is a Trust established in Florida by Simon.

51. Defendant, SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012) is a Trust established in Florida by Simon.

52. Defendant, SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06 is a Trust established in Florida by Simon.

53. Defendant, WILMINGTON TRUST 088949-000 SIMON L BERNSTEIN IRREVECOBABLE TRUST is a Trust established in Florida by Simon.

54. Defendant, Wilmington Trust, is domiciled in Wilmington Delaware and doing business in Florida.

55. Defendant, Shirley Bernstein irrevocable trust u/a 9/7/06 is a Trust established in Florida by Shirley.

56. Defendant, WILL OF SHIRLEY BERNSTEIN (2008) is a Trust established in Florida by Shirley.

57. Defendant, SHIRLEY BERNSTEIN TRUST AGREEMENT (2008) is a Trust established in Florida by Shirley.

58. Defendant, Shirley Bernstein irrevocable trust agreement (2008) is a Trust established in Florida by Shirley.

59. Defendant, Shirley Bernstein Family Foundation, Inc. is domiciled in Florida.

60. Defendant, Theodore Bernstein, as the Personal Representative of the WILL OF SHIRLEY BERNSTEIN (2008).

61. Defendant, Theodore Bernstein, as the alleged Trustee of the SHIRLEY BERNSTEIN TRUST AGREEMENT (2008).

62. Defendant, Robert L. Spallina, Esq. as the alleged Former Co-Personal Representative of the alleged WILL OF SIMON BERNSTEIN (2012).

63. Defendant, Robert L. Spallina, Esq. as the former Co-Trustee of the SIMON L. BERNSTEIN alleged AMENDED AND RESTATED TRUST AGREEMENT (2012).

64. Defendant, Donald Tescher, Esq. as the former Co-Personal Representative of the alleged WILL OF SIMON BERNSTEIN (2012).

65. Defendant, Donald Tescher, Esq. as the former Co-Trustee of the alleged SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012).

66. Defendant, Robert Spallina, Esq., as Counsel to the Co-Personal Representatives and Co-Trustees of the alleged WILL OF SIMON BERNSTEIN (2012) and the alleged SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012).

67. Defendant, Donald Tescher, Esq., as Counsel to the Co-Personal Representatives and Co-Trustees of the alleged WILL OF SIMON BERNSTEIN (2012) and the alleged SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012).

68. Defendant, Theodore Bernstein, is the alleged Successor Trustee of the SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012).

69. Defendant, Simon Bernstein Irrevocable Insurance Trust dated 6/21/1995, is a suppressed and denied trust that is alleged missing and lost and yet a Plaintiff in a US Federal Court case.

70. Defendant, SIMON BERNSTEIN 2000 INSURANCE TRUST (dated august 15, 2000), is a Trust established in Florida by Simon.

71. Defendant, Shirley Bernstein 2000 insurance trust (dated august 15, 2000), is a Trust established in Florida by Shirley.

72. Defendant, the 2000 LAST WILL AND TESTAMENT OF SIMON BERNSTEIN, is a Will established in Florida by Simon.

73. Defendant, the 2000 LAST WILL AND TESTAMENT OF SHIRLEY BERNSTEIN, is a Will established in Florida by Shirley.

74. Defendant, Albert Gortz, Esq., Personally, is a resident of Florida.

75. Defendant, Albert Gortz, Esq., Professionally, is a resident of Florida.

76. Defendant, Proskauer Rose LLP, is domiciled in New York, New York and doing business in Florida.

77. Defendant, MARITAL TRUST and FAMILY TRUST created by SHIRLEY BERNSTEIN trust (2008), are Trusts established in Florida by Shirley.

78. Defendant, SHIRLEY BERNSTEIN TRUST AGREEMENT dated May 20, 2008, is a Trust established in Florida by Shirley.

79. Defendant, Bernstein Family Realty, LLC, is domiciled in Florida.

80. Defendant, Bernstein Holdings LLC, is domiciled in Florida.

81. Defendant, Bernstein Family Investments LLLP, is domiciled in Florida.

82. Defendant, Life Insurance Concepts, Inc., is domiciled in Florida.

83. Defendant, LIC Holdings, Inc., is domiciled in Florida.

84. Defendant, LIC Holdings, LLC, is domiciled in Florida.

85. Defendant, CFC of Delaware, LLC., is domiciled in Delaware and doing business in Florida.

86. Defendant, Life Insurance Connection, Inc., is domiciled in Florida.

87. Defendant, TSB Holdings, LLC, is domiciled in Florida.

88. Defendant, TSB Investments LLLP, is domiciled in Florida.

89. Defendant, Life Insurance Concepts, LLC, is domiciled in Florida.

90. Defendant, Life Insurance Innovations, Inc., is domiciled in Florida.
91. Defendant, Arbitrage International Management LLC, is domiciled in Florida.
92. Defendant, Arbitrage International Marketing, Inc., is domiciled in Florida.
93. Defendant, Arbitrage International Holdings, LLC, is domiciled in Florida.
94. Defendant, Total Brokerage Solutions LLC, is domiciled in Florida.
95. Defendant, Cambridge Financing Company, is domiciled in Florida.
96. Defendant, National Service Association, Inc., is domiciled in Florida.
97. Defendant, National Service Corp (Florida), is domiciled in Florida.
98. Defendant, National Services Pension Plan, is set up in Florida.
99. Defendant, Arbitrage International Marketing, Inc. 401 (K) Plan, is set up in Florida.
100. Defendant, S.B. Lexington, Inc. 501(c)(9) VEBA Trust, is set up in Illinois and Simon Bernstein was a member.
101. Defendant, Trust f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012, is a trust set up in Florida by an unknown.
102. Defendant, Trust f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012, is a trust set up in Florida by an unknown.
103. Defendant, Trust f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012, is a trust set up in Florida by an unknown.
104. Defendant, ELIOT BERNSTEIN FAMILY TRUST DATED MAY 20, 2008, is a Trust established in Florida by Shirley and Simon.
105. Defendant, DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006, is a Trust established in Florida by Shirley and Simon.

106. Defendant, JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006, is a Trust established in Florida by Shirley and Simon.
107. Defendant, JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006, is a Trust established in Florida by Shirley and Simon.
108. Defendant, DANIEL BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 049738, is a Trust established in Florida by Shirley and Simon.
109. Defendant, JAKE BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381, is a Trust established in Florida by Shirley and Simon.
110. Defendant, JOSHUA Z BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381 is a Trust established in Florida by Shirley and Simon.
111. Defendant, JILL IANTONI, TRUSTEE F/B/O JULIA IANTONI UNDER THE SIMON BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348369), is a Trust established in Florida by an unknown.
112. Defendant, TED BERNSTEIN, TRUSTEE F/B/O ALEXANDRA BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348370), is a Trust established in Florida by an unknown.
113. Defendant, TED BERNSTEIN, TRUSTEE F/B/O ERIC BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348371) is a Trust established in Florida by an unknown.
114. Defendant, TED BERNSTEIN, TRUSTEE F/B/O MICHAEL BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6348372), is a Trust established in Florida by an unknown.;

115. Defendant, PAM SIMON, TRUSTEE F/B/O MOLLY SIMON UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6372583), is a Trust established in Florida by an unknown.

116. Defendant, LISA FRIEDSTEIN, TRUSTEE F/B/O MAX FRIEDSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6372584), is a Trust established in Florida by an unknown.

117. Defendant, LISA FRIEDSTEIN, TRUSTEE F/B/O CARLY FRIEDSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 09-13-2012 (EIN: 30-6372585), is a Trust established in Florida by an unknown.

118. Defendant, Heritage Union Life, is domiciled in Illinois and the policy in dispute was owned by Simon in Florida.

119. Defendants, JOHN AND JANE DOE'S (1-5000).

120. Jurisdiction and venue are proper in Palm Beach County, Florida because the beneficiaries of the Trusts reside here.

#### **BACKGROUND SPECIFIC TO THIS CASE**

121. That to save the Court a lengthy filing by Eliot attempting to recap the many crimes and civil torts of each of the counter defendants, including those proven, admitted and alleged crimes committed by fiduciaries and Attorneys at Law acting as officers of this Court before the Honorable Judge Martin Colin and Honorable David French, in the Estates and Trusts of Simon and Shirley Bernstein, including but far from limited to, Frauds on the Court, Frauds on the Beneficiaries, Fraud on Interested Parties, Creditor Fraud, Bank Fraud, Insurance Fraud, Theft and other criminal acts and civil torts that directly relate to this instant legal action.

122. That Eliot hereby incorporates by reference all ongoing cases before this Court related to the Simon and Shirley Bernstein Estates and Trusts, including but not limited to all, pleadings, rulings, evidence, etc. that are currently before Hon. Judge Colin in these related cases already before this Court for almost two years.
123. That Simon and Shirley set up trust accounts for Eliot and his children and also set up an LLC named Bernstein Family Realty, LLC (“BFR”) while living, in order to fund all of their living expenses, due to the fact that Eliot has had a bomb put in his car, death threats and is in the middle of a very intense RICO and ANTITRUST Lawsuit, where he and his family have been in grave danger for many years. These entities were set up for the benefit of Eliot, Candice and their children only, in part funding, the children’s school, income and covering all home and living expenses for their family for many years prior to Simon and Shirley passing and even after they had passed away for a certain period of time.
124. That the children’s trust accounts were used to purchase a home for Eliot and his family and the home was owned by BFR. The children are the only Members of BFR equally.
125. That these accounts were funded in 2006 and BFR was established and paying household bills and expenses until Simon died and for approximately one year after his death.
126. That several months after Simon died, BFR continued to pay bills and expenses as it was intended by Simon and Shirley that after their deaths these vehicles would be fully funded to provide for Eliot and his family for most of their natural lives with prudent investment of their inheritances.
127. That several months after Simon died, his assistant Rachel Walker (“Walker”) was fired by Theodore and she informed Eliot and Candice that at the direction of Robert Spallina and Donald Tescher, Eliot and Candice would be taking over BFR’s accounts and the payment of the bills. Walker brought these documents to their home at the direction of Spallina and Tescher.

128. That Eliot noticed that the account appeared to be held by Simon Bernstein and was uncomfortable with he or Candice using the Legacy account at all, especially signing checks. Eliot and Walker then called Legacy Bank and found out that not only was Walker not a signor on the account but that Simon was the only signor and that Walker could no longer sign or have any information on the account.
129. That Legacy Bank, who knew Simon well as a private banking client had not been informed that Simon had been dead for several months and was shocked to learn that his accounts were still being used and accessed POST MORTEM.
130. That Legacy Bank immediately upon finding that Simon was dead, froze the bank accounts and stated they could only speak with the PR of the Estate of Simon and Eliot immediately requested an investigation into how the accounts were being used POST MORTEM on an LLC account for a company his children owned.
131. That Eliot and Rachel notified Spallina that at the bequest of Legacy Bank he was required to call them immediately as the BFR accounts and others had been frozen instantly as the account was accessed unauthorized for months.
132. That subsequently it was also found through the production documents transferred to the Curator Ben Brown by Spallina and Tescher upon this Court's Order that other bank and credit card accounts were also used by others for months after Simon died by various parties.
133. That Spallina contacted Legacy Bank and then notified Eliot and Candice that he was transferring the frozen funds and BFR accounts to Janet Craig of Oppenheimer who he stated was the new acting Manager of BFR and Trustee of the children's trusts.
134. That Eliot and Candice later learned that this transfer of title of Manager of BFR was in violation of BFR's operating agreement, PAGES \_\_\_\_ see BFR documents @ [www.iviewit.tv](http://www.iviewit.tv).

135. That it is now claimed by Craig that she self-appointed herself as Manager of BFR, again in violation of BFR's operating agreement, PAGES \_\_\_ see BFR documents @ [www.iviewit.tv](http://www.iviewit.tv) .
136. That Spallina then directed Craig to open a new Oppenheimer BFR account with Craig and Worth as the agents now handling the BFR bills and the children's school trusts.
137. That Eliot and Candice requested repeatedly of Spallina, Tescher, Craig and Worth to provide historical account statements for Legacy Bank's BFR account so that they could determine how much was in the account prior to Simon's death and how much was used illegally POST MORTEM and they were refused this information repeatedly.
138. That Eliot and Candice requested repeatedly of Spallina, Tescher, Craig and Worth to provide historical account statements for the children's trusts so that they could determine how much was in the accounts and the prior accountings from various firms that the monies are believed to have transferred through, including Stanford Trust Company and JP Morgan prior to Simon's death and they were refused, repeatedly.
139. Legacy Bank was contacted by Eliot several times regarding their claims that they were starting investigations into the use of Simon's accounts Post Mortem and despite repeated requests by Eliot have failed to provide any status or information regarding if they have started these investigations.
140. Oppenheimer alleged to have nominated Craig as the Manager and began paying BFR bills and expenses for the children, including but not limited to, school, education and welfare from the BFR new account set up at Oppenheimer to replace the Legacy account.
141. That Oppenheimer several months later notified Eliot that the BFR account was running low.
142. That Eliot contacted Spallina who stated that until he could allocate monies from the Estates and Trusts of Simon and Shirley to the beneficiaries that the children's lower, middle and high school

trust funds (there were separate accounts for college) should now be used to pay the BFR and other expenses and that he would replace and replenish the funds once he could make distributions.

143. That Craig then began using the children's school trust funds to fund the BFR and other expenses.
144. As the trusts were diminished to de minimis value by paying the BFR company bills and other expenses for the children, Craig contacted Spallina to replace and replenish the trust accounts and BFR account and Spallina and Tescher claimed they were now unwilling to refund and replenish the accounts.
145. That on or about this time Tescher, Spallina, Moran, Theodore, Manceri and others were all under INVESTIGATION with Palm Beach County Sheriff Office ("PBSO") detectives and Florida's Governor Rick Scott's Notary Public Division for allegations of Fraud, Fraudulent Notarizations, Forgery and other crimes<sup>1</sup>, instigated by Eliot and Candice in relation to criminal acts taking place in the Estates and Trusts of Simon and Shirley.

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1. <sup>1</sup> Palm Beach County Sheriff Report – Case No. 12121312 – Alleged Murder of Simon Bernstein filed by Theodore Bernstein
2. Palm Beach County Sheriff Report – Case No. 13097087 - Forgery and Fraudulent Notarizations
3. Palm Beach County Sheriff Report – Case No. 13159967 - Theft of Assets of Estates
4. Palm Beach County Sheriff Report – Case No. 14029489 - Continuation of Fraud, Extortion and more.
  - a. PBSO REPORTS @ <http://www.iviewit.tv/Sheriff%20Reports.pdf>
5. State Attorney FL -- Case No. 13CF010745 - Forgery and Fraudulent Notarizations
6. Jacksonville, IL. Police Department – Case No. #2014000865 – Insurance Fraud - Directed to Federal Authorities.
7. Case No. 13-cv-03643 United States District Court – Northern District II.
8. Florida Probate Simon – Case No. 502012CP004391XXXXSB
9. Florida Probate Shirley – Case No. 502011CP000653XXXXSB
10. Heritage Union Fraud Investigation – Case No. TBD
11. Florida Medical Examiner – Autopsy Case No. 12-0913 – Filed by Theodore Bernstein
12. Governor Rick Scott Notary Public Division – Moran – Case No. Eliot and Simon Bernstein v. Moran
  - a. <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20131014%20Office%20of%20the%20Governor%20Moran%20Suspension%20of%20Notary.pdf>
13. Governor Rick Scott Notary Public Division – Baxley – Case No. Eliot and Simon Bernstein v. Baxley
  - a. <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140421%20Office%20of%20Governor%20Lindsay%20Baxley%20Complaint%20Misconduct.pdf>

146. That subsequently it was found that FORGERY, FRAUD, FRAUDULENT NOTARIZATIONS, IDENTITY THEFT and more were used to illegally seize Dominion and Control of the Estates and change beneficiaries of the Estates and Trusts of Simon and Shirley POST MORTEM and where there are still ongoing state and federal, civil and criminal, legal actions taking place regarding these crimes.

147. Eliot notified Craig and Worth that Spallina, Tescher, Manceri, Theodore et al. were all under ongoing investigation and urged her to take appropriate legal steps as ALLEGED Manger of BFR and Trustee of the children's trusts of the FRAUDS alleged and some proven already that were taking place and that FRAUD may have taken place in BFR accounts, the children's school trusts and other Bernstein family Oppenheimer accounts and others, which may have been being used illegally and more.

148. Eliot notified Craig that documents sent to him by her, Spallina and Tescher for both BFR and the children's trusts were incomplete, missing signatures, not properly initialed and were improperly notarized, on the documents she was operating under. Eliot was never sent completed documents.

149. Eliot notified Craig that shares of LIC HOLDINGS, INC. which are held by the children's trusts are not valued and that she must as Trustee demand under Florida Statute 607.1601- Corporate Records from LIC Holdings, Inc. for the Members of BFR and the children's trusts, which held shares in LIC, including but not limited to, a full and formal accounting from LIC, which Theodore operates as an Officer and Director.

150. That Eliot informed Craig, Worth, McCabe and others to report the fraud and breaches of fiduciary duties that were being alleged in the related Estate and Trust cases of Simon and Shirley before attempting to close any accounts or transfer any fiduciary titles, especially where these crimes were

alleged committed in large part by Tescher and Spallina who directed Craig's actions with regard to the fraud alleged with the children's school trust accounts.

151. That on July 16, 2013 Craig notified Eliot via email that she was resigning as Trustee and Manager and assigning these titles to Eliot and Candice. From that email,

**From:** Craig, Janet [mailto:Janet.Craig@opco.com]  
**Sent:** Tuesday, July 16, 2013 1:56 PM  
**To:** 'Robert Spallina (rspallina@tescherspallina.com)'; 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Candice Bernstein (tourcandy@gmail.com)'  
**Cc:** Worth, Hunt; Sigalos, Janet; Vereb, Patricia  
**Subject:** Bernstein Family Realty

Robert, Eliot and Candice,

As you are aware, during his lifetime, Simon Bernstein paid the household expenses for Eliot and Candace. Upon his death those funds were frozen and the only funds available to pay the household expenses were the education trusts that Simon set up for Daniel, Jacob and Joshua...

... Please let me know as soon as possible if the Estate of Simon Bernstein intends to reimburse the education trusts for the household expenses paid to date. If this is not possible, for any reason, Oppenheimer Trust Company will have no recourse but to Resign as Trustee in favor of Eliot and Candice Bernstein and to name them as the Successor Manager of Bernstein Family Realty.

152. That on August 28, 2013 Craig notified Eliot via email that she had spoken with Spallina and he spoke with Theodore and that Theodore had been anointed by them as the successor Manager and that Theodore had accepted the role of Manager of BFR. That Craig then transferred ALL personal and confidential information regarding BFR (all bills, bank account information and more) and personal and confidential information regarding the children's trust accounts to Theodore, all done at Spallina and Tescher's direction. From that email,

From: Craig, Janet [mailto:Janet.Craig@opco.com]  
Sent: Wednesday, August 28, 2013 11:28 AM  
To: 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Candice Bernstein (tourcandy@gmail.com)'  
Cc: 'Robert Spallina (rspallina@tescherspallina.com)'; 'Ted Bernstein (tbernstein@lifeinsuranceconcepts.com)'  
Subject: Bernstein Trust Terminations

Dear Eliot and Candice,

As you are aware, the trusts for Daniel, Jacob and Joshua have depleted over time due to the payment of your household bills. I have spoken with Mr. Spallina and he has informed me that the household bill payments will not be refunded to the trusts. We have therefore decided to terminate the trusts due to their de minimus market values...

**... Please be advised that we will not be paying bills during this transition period. Ted Bernstein has agreed to become the Managing Member of Bernstein Family Realty and all questions regarding the payment of household bills should be directed to him**

And then in another email sent shortly thereafter,

From: Craig, Janet [mailto:Janet.Craig@opco.com]  
Sent: Tuesday, September 17, 2013 2:09 PM  
To: 'Eliot Ivan Bernstein'; 'Candice Bernstein (tourcandy@gmail.com)'  
Cc: Worth, Hunt; 'Robert Spallina (rspallina@tescherspallina.com)'  
Subject: RE: Bernstein Grandchildren's trusts

Eliot and Candice,

...I believe you misunderstood my email regarding the termination of the trusts. The intention was for you to sign the Releases and we would release the funds to you and Candice. The only account to be released to Ted was the smaller Bernstein Family Realty account that we opened as a convenience for the payment of bills...

153. That Craig transferred these new fiduciary roles to Theodore, despite at the time knowing that Theodore was aware that Eliot and Candice were pursuing Theodore, Spallina, Tescher and Manceri et al. with State and Federal Authorities for a number of alleged and some now proven and admitted felony crimes and civil torts.
154. That this is where the extortion of Eliot and his family begins to manifest further, as arrests are being made and investigations are underway against Theodore and his minion of attorneys at law and friends he brought into Simon and Shirley's Estates and Trusts began a Pattern and Practice of retaliation against Eliot in efforts to shut him down financially and stop him from further exposing the crimes committed.
155. That Theodore assumed the title as Manager of BFR and systematically began disabling BFR by failing to pay bills WITH NO NOTICE to Eliot and his family who live in the home BFR and the

children's trusts owns and maintains, including cancelling the homeowners insurance, shutting off electricity, security, etc. and began failing to pay the school expenses and expenses for the minor children that had been being paid monthly for eight years prior to the deaths of Simon and Shirley.

156. That Theodore failed to provide any notice of his new title as Manager of BFR to the Members, Eliot's three minor children or Eliot and Candice as their Guardians.
157. That Eliot and Candice did not receive the bills of BFR, as they were sent to the Managers of BFR, Oppenheimer and are in the name of BFR, not Eliot and Candice individually and therefore Eliot and Candice could not access or pay these accounts.
158. After months of bills not getting paid, services being shut off randomly and without notice and avoidance of emails regarding such by the Managers, Theodore and Craig, this mostly occurred when Theodore started acting as BFR Manager. Then several months later after accepting the BFR Manager position, Theodore suddenly states he is not the Manager and never accepted the role from Craig. This revelation comes when a one, Walter Sahm, after having to retain counsel to attempt to speak with the manager of BFR then contacted Oppenheimer and Theodore about who was the Manager of BFR, prompted by the fact that Sahm holds a mortgage on the home owned by BFR and interest was not being paid or addressed and no one would contact him in reply to his repeated written requests regarding his mortgage.
159. That Sahm called Eliot to inform of the problems with the Managers of BFR, as he felt that he was being forced to foreclose, as no one responsible for BFR would return his or his attorney's pleas for information or his interest payment. Sahm was a close personal friend and business associate of Simon and he knew that Simon and Shirley had set the home up to protect Eliot and his family and he could not believe what was going on and put this all in writing to Eliot and Theodore.

160. That months after Theodore and Craig refused to respond to Eliot's numerous correspondences regarding the status of BFR and the Trusts and the fact that bills BFR is responsible for were not getting paid and leaving both BFR and Eliot's family at risk, Craig suddenly did an about face and states via email to Eliot that Theodore never accepted the position and that she is still Manager, despite her prior claims that Theodore had accepted the position and she transferred the information to him months earlier based on her belief that Theodore was the Manager and especially where Theodore had started acting on behalf of BFR and paying bills that he choose to be important.

161. That Theodore had acted to pay some bills of BFR at first, immediately after accepting the position as Manager, while Spallina, Theodore, Tescher, Manceri, Craig and then as Theodore began to shut down utilities and put his family at risk, including three minor children, others tried to force Eliot to take illegal distributions from the Estates and Trusts before they would give him any inheritance funds to either he or his family, in efforts to gain an implied consent to the criminal activity taking place in the Estates and Trusts.

162. That with the intentional delays caused in the inheritances to Eliot's family and the use of their home funds and children's school trust funds to depletion that were not replenished as originally claimed by Spallina, the timing was ripe for them to attempt to state that if Eliot did not drop his charges and take distributions that he knew were illegal and steeped in Fraud, that he and his family would be starved out, the children removed from their school, etc. as again BFR paid all these expenses of their family for many prior years. An example of this subtle attempt to take the distributions to gain monies for his family from Craig can be seen in the following excerpt of an email from Craig to Eliot.

-----Original Message-----

From: Craig, Janet [mailto:Janet.Craig@opco.com]  
Sent: Monday, October 7, 2013 11:15 AM  
To: 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Robert Spallina'

(rspallina@tescherspallina.com)'; 'Ted Bernstein  
(tbernstein@lifeinsuranceconcepts.com)'  
Cc: 'tourcandy@gmail.com'; 'Michele M. Mulrooney ~ Partner @ Venable LLP  
(mmulrooney@Venable.com)'; Worth, Hunt  
Subject: FW: EMERGENCY OCTOBER Bernstein Expenses and Reimbursements

Eliot,

As I have told both you and Candice previously, there are no funds available in the boys' Trusts to pay any expenses. The only assets that remain in the Trust are the shares of Bernstein Family Realty LLC and LIC Holdings, neither of which are liquid assets. I have been informed that no further funds will be coming to these Trusts and new Trusts will be set up for the boys once the Estate administration of your parents is allowed to proceed.

**MAYBE PUT MORE EXAMPLES OF EXTORTION LETTERS TO TAKE DISTRIBUTIONS.**

163. Then, after learning that Eliot was filing criminal charges of Extortion with this Court<sup>2</sup> and other investigators, Theodore suddenly claimed in an email to Eliot that he was not the Manager, nor ever

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<sup>2</sup> That on September 04, 2013, ELIOT filed Docket #TBD, in the estate of Simon, a "NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE."

<http://www.iviewit.tv/20130904MotionFreezeEstatesShirleyDueToAdmittedNotaryFraud.pdf> .

And

That on October 10, 2013 Petitioner filed in Shirley's estate case Motions titled, (I) MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT (II) MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD (III) MOTION TO COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION (IV) MOTION TO CORRECT AND DETERMINE THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES (V) MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE (VI) MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON, IANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR CONFLICTS OF INTEREST, CONVERSION AND MORE (VII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT "ORDER ON NOTICE OF EMERGENCY MOTION TO

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the Manager of BFR and was just paying some bills of BFR from Estate and Trust funds out of the kindness of his heart and acted as if he knew nothing about BFR and his acceptance of the Manager position Craig stated he accepted when transferring him all the bills and personal and confidential materials of Eliot's family. The following email from Theodore to Eliot further illustrates this sudden claim months later by Theodore,

From: Ted Bernstein [mailto:tbernstein@lifeinsuranceconcepts.com]  
Sent: Saturday, January 25, 2014 2:35 PM  
To: 'Eliot Ivan Bernstein'; judi@masseyclarkfischer.com  
Cc: 'Craig, Janet'; 'Candice Bernstein'; Hunt Worth ~ President @ Oppenheimer Trust Company ; William McCabe Esq. @ Oppenheimer Trust Company; Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company ; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber, Esquire @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Lisa S. Friedstein; Lisa; Jill M. Iantoni; Jill M. Iantoni; Guy T. Iantoni @ GTI LIFE, Inc.; Guy T. Iantoni; Pamela Beth Simon  
Subject: RE: BERNSTEIN FAMILY REALTY LLC - 2753 NW 34TH ST - HOMEOWNERS RENEWAL POLICY

Eliot > as I have previously stated in correspondence to you, I am not and never have been involved with Bernstein Family Realty, in any capacity. You have repeatedly referred to an email from August, 2013 in which Janet stated that I agreed to be the managing member of Bernstein Family Realty. I have repeatedly stated and written after August, 2013, as well as Robert Spallina, that I was never the managing member and I am not the managing member. If Janet inadvertently stated that I was, it has been clarified for you on multiple occasions that I am not. Please let this be another.

Therefore, please let this serve as another request to stop referring to me as the managing member of Bernstein Family Realty. Please stop having people contact me in relation to Bernstein Family Realty. Please stop having mail sent to me in relation to Bernstein Family Realty.

Thank you.

164. That Craig months later then stated she was still the Manager of BFR when she was pressed for an answer by Walter Sahm as to who the Manager was, as Sahm was threatening to foreclose and sue if

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FREEZE ASSETS" ON SEPTEMBER 24TH FOR ERRORS AND MORE AND (VIII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT "AGREED ORDER TO REOPEN THE ESTATE AND APPOINT SUCCESSOR PERSONAL REPRESENTATIVES" ON SEPTEMBER 24TH FOR ERRORS AND MORE

[www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf](http://www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf)

someone did not give him answers about his Mortgage held with BFR, this after months that Sahm was misled with others as to who was responsible for BFR and his Mortgage and Interests due. From an email from Craig to Eliot this is further illustrated,

From: Craig, Janet [mailto:Janet.Craig@opco.com]  
Sent: Friday, February 7, 2014 1:42 PM  
To: 'The Sahm's'; 'TberNSTEIN@lifeinsuranceconcepts.com'  
Cc: 'iviewit@iviewit.tv'; 'rspallina@tescherspallina.com'; Worth, Hunt  
Subject: RE: Home owner's Insurance....

Walt and Pat,

Oppenheimer Trust Company of Delaware is currently the Manager of Bernstein Family Realty, however the Trusts that were paying the Bernstein household bills have been entirely depleted. The only remaining assets in each trust is a one third share of Bernstein Family Realty and nominal shares of LIC Holdings.

At one point we were told that Ted Bernstein would take over as Manager and we prepared paperwork to transfer responsibility, however that paperwork was never returned to us.

Oppenheimer Trust Company of Delaware is attempting to close these accounts and distribute the remaining assets, however Eliot and Candice Bernstein have refused to return the Releases sent to them last August. As such we remain Manager but we have no assets with which to assist the Bernsteins [sp Bernsteins]...

165. That Craig refused to get accountings for Trusts assets regarding the company LIC that Theodore is an Officer and Director of and without this information, attempts to claim that the children's school trusts had no value left was not true and yet she was going to attempt to close the accounts and transfer the remainder of any monies and other interests to now Eliot, when as a fiduciary of BFR and the children's trust that she should instead be notifying authorities of what was transpiring and moving to protect the trusts and BFR, not abdicate her fiduciary duties and attempt to run.
166. That Eliot refused and told Craig, Worth and their counsel McCabe at the time, that as acting Fiduciaries they should immediately report the alleged and proven criminal acts involving Theodore, Spallina, Tescher, Manceri, Rose, Moran, Baxley et al. to the proper authorities and freeze everything to preserve the evidence and that Eliot was unwilling to release them in any capacities and

accept any role as fiduciary until all these matters and their involvement in the matters were fully and legally resolved.

167. Craig, despite being requested repeatedly to report Fraud going on instead opted to try and remove herself and Oppenheimer out of house of cards that was beginning to crumble.
168. Craig then hired a lawyer from Gray Robinson who called Eliot and Candice to tell them first that he was representing the Trusts of the three boys and BFR in litigation in the Creditor claim of William Stansbury in the Estate and Trusts of Simon and Shirley, the case in this court titled WILLIAM E. STANSBURY, Plaintiff v. TED S. BERNSTEIN; SIMON BERNSTEIN; LIC HOLDINGS, INC.; and ARBITRAGE INTERNATIONAL MANAGEMENT, LLC, f/k/a ARBITRAGE INTERNATIONAL HOLDINGS, LLC., Defendants / Case #502012CA013933MBAA before Hon. Judge Blanc. BFR was sued by Stansbury.
169. That Eliot discloses to a one, Steven Lessne, Esq. of Gray Robinson the problems regarding Craig, Worth and McCabe's involvement in the alleged Extortion with Spallina, Tescher, Theodore et al. and other criminal acts taking place in the Estates and Trusts of Simon and Shirley and Eliot suggested that Gray Robinson should sue Oppenheimer, Worth and Craig for breaches of fiduciary duties, conspiracy, extortion and more and immediately report them all to the proper authorities.
170. That Lessne, after listening and discussing these matters with them, then informs Eliot and Candice that he is not really representing the Trusts and BFR but rather the Trustee of the Trusts, Craig and that he is not really representing BFR but rather Craig as Manager of BFR. Eliot informs Lessne that this sneaky trick to gain information from him while acting as his children's counsel and BFR's counsel was a violation of bar rules and more. That Lessne misrepresented his role in the matters to Candice and Eliot and acted inappropriately in taking information regarding the matters under his false claims of who he was representing.

171. That on a cumulative scale, in relation to the ongoing Probate and Trust actions related, there are claims that the Wills and Trusts assets are valued at 40-100 million dollars between the many entities and trusts established by Simon and Shirley while living, including but not limited to BFR, with approximately one third of the trust assets and ownership in the entities either going to Eliot or his children or a combination of both depending on how this Court rules regarding the validity of the Wills and Trusts that have been challenged and fraught with Fraud, Fraudulent Notarizations, Improper Notarizations, Forgeries and more.

172. That due to a complete failure to follow Probate Rules, Trust Rules, Florida Statutes, Law, Attorney Conduct Codes and rampant Breaches of Fiduciary Duties there has been virtually no documents tendered for any trusts or entities sued hereunder, no transparency whatsoever since the beginning of Tescher, Spallina and Theodore's illegally gained reign as fiduciaries and counsel and this has significantly and catastrophically damaged Eliot, his family, creditors and others with intent.

173. That life insurance trust documents have gone missing and yet then the missing trust filed a claim for insurance proceeds that were part of Simon's estate as evidenced in the ongoing Federal Civil Breach of Contract Lawsuit in IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, Case No. 13cv3643, before the Hon. Judge Amy St. Eve, filed by an alleged Trustee, Robert Spallina, Esq. of Trust that does not legally exist in any form and he claims never to have seen and then when the claim is rejected for obvious reasons that the alleged beneficiary does not legally exist, a Breach of Contract lawsuit is filed by Theodore suddenly replacing Spallina as Trustee of the Lost Trust, a missing Heritage Union Life Policy for approximately two million dollars is also involved, missing IRA beneficiaries and alleged IRA account changes Post Mortem, missing accountings for virtually every entity and trust created by Simon and Shirley, NOT A SINGLE SIGNED TAX RETURN FOR SIMON OR SHIRLEY,

LEGALLY DEFICIENT ACCOUNTING OF SIMON'S ESTATE UPON RESIGNATIONS AND REMOVAL OF TESCHER AND SPALLINA, NO OTHER ACCOUNTINGS OF ANY OTHER ENTITY UNDER THE WILLS AND TRUSTS, FORGERY POST MORTEM IN SEVERAL INSTANCES, FRAUDULENT NOTARIZATIONS IN SEVERAL INSTANCE, IMPROPER NOTARIZATIONS OF ALLEGED WILLS AND TRUSTS and more.

174. That through these dispositive document crimes in the Estates and Trusts, Dominion and Control of the Estates and Trusts of Simon and Shirley were illegally overtaken by Theodore and his close personal friends and business associates, mostly Attorneys at Law sued herein, all misusing and abusing law to achieve a takeover illegally of the Estates, Trusts and other entities in order to convert the assets in a variety of subsequent frauds and other crimes both state and federally to improper parties.
175. That Eliot files several of the following Counts on the advice of Federal Judge Amy St. Eve of the Illinois Court in an Order dated March 17, 2014, whereby she stated,

**Instead, Eliot is seeking damages against Tescher and Spallina for other claims, namely, fraudulent conversion, breach of fiduciary duty, legal malpractice, abuse of the legal process, common law conversion, civil conspiracy, and negligence in connection with the administration of Simon Bernstein's Estate in the Probate Court of Palm Beach County, Florida. Rule 14(a) does not authorize Eliot to seek any such relief in the present lawsuit because Eliot is not facing any liability in the first instance.**

**COUNT 1 - CIVIL CONSPIRACY**

176. This is an action for Civil Conspiracy under Florida Statutes.

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177. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through       , inclusive.

178. That as with any conspiracy, all of the facts regarding the actions of each of the defendants is largely unknown at this time and with ongoing investigations and new production documents that reveal even more alleged criminal acts and civil torts, more is being learned every day but one thing is for certain, as this illegal legal conspiracy, not conspiracy theory, the primary participants known at this time are licensed Attorneys at Law who have acted together to deprive Eliot and his family of legal rights and deceive them to obtain illegal objectives. This legal conspiracy may relate to other legal actions Eliot is currently involved in as described in Eliot's first Petition in the Estate cases<sup>3</sup>, which are again involving conspiracy charges against primarily Attorneys at Law. Several of the parties in each case are similar.

179. That Simon and Shirley left vast wealth to their beneficiaries under their years of elaborate estate plans costing thousands upon thousands of dollars through combinations of trusts, business entities and other vehicles that are all inter-related.

180. That all of these trusts, business entities and other vehicles have been seized illegally by various of the parties acting alone and/or in concert with others and assets have been converted to improper parties through a combination of frauds.

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<sup>3</sup> That on May 6, 2013 Petitioner filed an "EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SIMON/SHIRLEY BERNSTEIN AND MORE." Filed in both estates.

15th Judicial Florida Probate Court

[www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf)

and

Most Honorable Shira A. Scheindlin. Pages 156-582 reference estate matters in Simon and Shirley as it relates to RICO allegations.

[www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Southern District of New York,

181. In order to achieve these ends financial and accounting information was further suppressed and denied in toto from the true and proper Beneficiaries in violation of, probate statutes, trust statutes, state and federal laws, attorney conduct codes and through breach upon breach of fiduciary duties.
182. That all parties sued hereunder have acted alone or in combination with others to violate the trusts, business entities and other vehicles to fraudulently remove assets from the corpuses of the trusts, business entities and other vehicles, in various artifices to defraud the true and proper Beneficiaries,
183. That the Oppenheimer Trusts and BFR are only a fraction of the trusts and entities that criminal activity is alleged taking place but it is directly related to the overall conspiracy to rob and loot the estates and extort Eliot, once Dominion and Control of the Estates and Trusts was seized illegally through the elaborate series of document forgeries and fraud. Much of these frauds have already been brought before the Court in the Petitions and Motions filed by Eliot in the Estate cases before this Court, which ties all of these parties together as part of the larger conspiracy in a variety of criminal acts and civil torts, again most of these illegal legal crimes were committed by Officers of this Court under the Tutelage of Your Honor.
184. That Craig was introduced to Eliot via the former Executors/Personal Representatives/Co-Trustees/Counsel of the Estate of Simon, Tescher and Spallina, who have since resigned and been removed from all Bernstein family matters in the midst of the arrest and conviction of their Notary Public/Legal Assistant for Fraudulent Notarizations, admitted Forgery (including forging documents POST MORTEM for Simon and five other forgeries of other interested parties), admitted POST MORTEM ALTERING of Trust documents by Robert Spallina in statements to PBSO<sup>4</sup>, POST MORTEM closing of the Estate of Shirley with a dead Executor/PR, Simon, and many more crimes are alleged and under ongoing investigations in the Estates of Simon and Shirley.

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<sup>4</sup> See footnote 1, PBSO January 2014 Sheriff Report

185. That Spallina without any legal authority informed Eliot that he had transferred the BFR Manager position after Simon died to Craig, in violation of the BFR Operating Agreement which calls for a vote of the Members (Eliot and Candice's three minor children are the only Members with Eliot and Candice as their Guardian) and that she was the Successor Trustee to Stanford Bank as Trustee of the children's school trust funds. The transfer of funds allegedly occurred when the infamous Sir Robert Allen Stanford was arrested for the second biggest Ponzi scheme in the United States and the banks he owned and operated were seized by US federal authorities and the monies had to be transferred to a new broker, it is believed that some of the monies were lost in the transfer but again financial information regarding these transfers is limited due to suppression, denial and destruction of documents.

186. That on information and belief, several of the account executives relating to the BERNSTEIN family accounts including the children's trusts went from the now infamous Sir Robert Allen Stanford banks to Oppenheimer, then to JP Morgan or vice versa, as the records provided thus far are incomplete and unclear regarding the transfers.

187. That on information and belief, Simon Bernstein immediately prior to his sudden and unexpected death, where it has been alleged by Theodore Bernstein and others that he may have been murdered, was contacting JP Morgan and Oppenheimer regarding missing funds in the transfer of his accounts and his family's accounts from Stanford to Oppenheimer then to JP Morgan or vice versa, including but not limited to, trust funds of Eliot's three minor children and Eliot's inheritances.

188. That Craig worked directly with Spallina and Tescher to transfer funds to Oppenheimer that had been previously frozen by Legacy Bank in their BFR accounts that were frozen when Eliot informed Legacy that Simon's Legacy accounts were being used ILLEGALLY, POST MORTEM.

189. That Craig then opened up a new BFR account at Oppenheimer and deposited the Legacy BFR account funds into the new account with the aid of Spallina and Tescher.
190. That Eliot repeatedly requested Craig and Spallina to obtain the Legacy Bank Account statements and other information relating to that account so that he could determine the amount of funds that were in the account when Simon died and determine who and what withdrawals and other activities had taken place illegally.
191. That Eliot was informed that Legacy would be conducting an internal investigation into the fraudulent use of Simon's accounts after his death and Eliot has recently again tried to contact Legacy to find out information about the accounts and investigations and was told that the Personal Representatives would have to contact them but around that time, the Personal Representatives were Tescher and Spallina who obviously did not take any actions to have themselves investigated.
192. That Spallina and Craig informed Eliot that monies were running low in the Legacy BFR accounts and that until distributions of the Estates and Trusts could be worked out they determined that the Trusts of the three boys, set up for school education while Simon and Shirley were alive were to be used to pay the BFR expenses and children's expenses that had been being paid for seven years prior to their deaths through BFR and other entities set up by Simon and Shirley.
193. That Spallina stated the monies would be used from BFR and then the school trust funds and when those were depleted he would replenish and replace them as necessary and thereby authorized Craig to use the school trusts and BFR monies for these purposes, including but not limited to, property insurance, maintenance, improvements, property taxes, school tuition, food and clothing for the children, etc..., which were all being paid by Simon and Shirley through BFR for years prior and post their deaths.

194. That when the Trusts were depleted, Craig informed Spallina and asked for the replenishments and Spallina refused claiming now that he was not obligated and unwilling to pay them back in efforts to retaliate against Eliot, Candice and minor children.

195. That at this time Spallina, Tescher, Theodore, Manceri, Moran and others learned that they were being investigated by the Florida Governor Rick Scott's Notary Public Division and the West Palm Beach County Sheriff Office for a series of alleged fraudulent acts regarding the Estates and Trusts of Simon and Shirley Bernstein.

196. That on information and belief Craig, Tescher and Spallina then retained Mark Manceri, Esq. to represent BFR in the Stansbury Lawsuit.

197. That Manceri has subsequently voluntarily resigned from the Estates and Trust of Simon and Shirley Bernstein and now is a named Respondent (along with Tescher, Spallina, Rose and Pankauski) in the Estate litigations, his resignation in the midst of arrests for Fraud, admitted Forgery and more of the former Executors/Personal Representatives/Co-Trustees/Counsel, Tescher and Spallina et al.

198. That Gerald Lewin, CPA, who was responsible for tax returns for BFR now claims that no tax returns were done for over 6 years, the only entity that appears to be missing returns.

199. This case is related to ALL of the following ongoing actions worldwide involving Eliot Bernstein where there are claims of conspiracy committed by Attorneys at Law in each and where shockingly there are many links in each of the cases to the same Attorneys at Law acting in various combinations in each case;

- i. New York Federal Court Case #
- ii. Estates and Trusts of Simon Bernstein - Case No.
- iii. Estate and Trusts of Shirley Bernstein – Case No.
- iv. Oppenheimer Lawsuit – Case No.

- v. Illinois Federal Court Case No.
- vi. Cox/Bernstein Oregon Case No. (Note Bernstein is not a Defendant but was tried to be added as a Defendant after the case was heard).
- vii. Randazza v. Cox Nevada – Case No.
- viii. Randazza Florida Case – Case No.

200. That in the Federal Court recent news shows a massive fraud on the courts occurred and Obstructions of Justice directly committed by heads of the New York Attorney at Law Disciplinary Committees and more, see all of the following articles, as they relate to Eliot Bernstein's Federal RICO and ANTITRUST lawsuit that is legally related by Hon. Judge Shira Scheindlin to the Whistleblower Lawsuit of Attorney at Law and Disciplinary Expert former New York Supreme Court Attorney, Christine C. Anderson, Esq. and thus one of the cases mentioned in the article related to her case that due process and procedure was obstructed with intentionally. All of these matters will be cause for the lawsuits involved and related to Anderson to be reopened due to fraud on the court and obstruction now learned of as evidenced in the following articles.

[\*\*Selected Articles Relating to the Eliot Bernstein RICO and new information about Obstruction of Justice and More:\*\*](#)

**BREAKING NEWS!!!**

**INDICTMENTS COMING! US SENATOR JOHN SAMPSON FORMER HEAD OF THE NEW YORK DEMOCRATIC PARTY AND CHAIRMAN OF THE NEW YORK SENATE JUDICIARY COMMITTEE WAS THREATENED & BRIBED TO COVER UP NY & FEDERAL CORRUPTION!!**

UPDATE - INDICTMENTS COMING : Iviewit Breaking News: NY Supreme Court Ethics Oversight Bosses Alleged MISUSE of Joint Terrorism Task Force Resources & Funds & Violations of Patriot Acts Against Civilian Targets for Personal Gain... US Senator John Sampson Threatened & Bribed to Cover Up NY & Federal Corruption!!

<http://www.free-press-release.com/news-iviewit-breaking-indictments-coming-us-senator-john-sampson-threatened-bribed-to-cover-up-ny-federal-corruption-1369140092.html>

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Wednesday, May 15, 2013  
Expose Corrupt Courts

**INSIDER SAYS NY STATE OFFICIALS BRIEFED ON JUDICIAL CORRUPTION INDICTMENTS**

BREAKING NEWS: A New York State Court administrative insider says that top state officials have been briefed by the feds on pending federal corruption indictments that will include New York state court employees....

And late this morning, a Washington, D.C. source confirmed the information, adding that the target of one federal corruption indictment will include at least one sitting New York State judge and other individuals- all with ties to major banks.....

<http://exposecorruptcourts.blogspot.com/2013/05/insider-says-ny-state-officials-briefed.html>

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**UPDATE: SENATOR JOHN SAMPSON, FORMER NEW YORK SENATE JUDICIARY CHAIR THREATENED AND BRIBED TO COVER UP OFFICIAL CORRUPTION**

FRIDAY, MAY 17, 2013

Washington, D.C. Insider Says Senator John Sampson Covered-Up Court Corruption

BREAKING NEWS: Washington, D.C. insider says NYS Senator John Sampson covered-up evidence of widespread corruption in New York Surrogate's Courts.

Source says Sampson was first threatened, but then successfully bribed, to bury evidence involving countless state and federal crimes involving billions of dollars.

Syracuse, Rochester, Albany, White Plains, Brooklyn and Manhattan Surrogate's Courts are said to top the list of areas involved.

It was revealed on Wednesday that a New York State Court administrative insider said that top state officials had been briefed by the feds on pending federal corruption indictments that would include employees of New York's Office of Court Administration (a/ka/ "OCA"). Most court employees, including judges, are employed by OCA.

It was further confirmed by the Washington, D.C. source that judges, with ties to banks, would be among those charged.

<http://ethicsgate.blogspot.com/2013/05/washington-dc-insider-says-senator-john.html>

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**IVIEWIT BREAKING NEWS: NY SUPREME COURT ETHICS OVERSIGHT BOSSES ALLEGED MISUSE OF JOINT TERRORISM TASK FORCE RESOURCES & FUNDS & VIOLATIONS OF PATRIOT ACTS AGAINST CIVILIAN TARGETS FOR PERSONAL GAIN..**

May 14,2013

See Full Story at:

<http://www.free-press-release.com/news-iviewit-breaking-news-ny-supreme-court-ethics-oversight-bosses-alleged-misuse-of-joint-terrorism-task-force-resources-funds-violations-of-patriot-1368533731.html>

and

<http://ethicsgate.blogspot.com/2013/04/formal-complaint-filed-against-nys.html>

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**FORMAL COMPLAINT FILED AGAINST NYS EMPLOYEES FOR ILLEGAL WIRETAPPING...THE WIDESPREAD ILLEGAL WIRETAPPING INCLUDED TARGETED NEW YORK STATE JUDGES AND ATTORNEYS.....**

<http://ethicsgate.blogspot.com/2013/04/formal-complaint-filed-against-nys.html>

SELECT QUOTES FROM THAT NEWS STORY

April 3, 2013

Robert Moossy, Jr., Section Chief  
Criminal Section, Civil Rights Division  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

RE: FORMAL COMPLAINT AGAINST NEW YORK STATE EMPLOYEES INVOLVING CONSTITUTIONAL VIOLATIONS, INCLUDING WIDESPREAD ILLEGAL WIRETAPPING

Dear Mr. Moossy,

At some point in time shortly after 9/11, and by methods not addressed here, these individuals improperly utilized access to, and devices of, the lawful operations of the Joint Terrorism Task Force (the JTTF). These individuals completely violated the provisions of FISA, ECPA and the Patriot Act for their own personal and political agendas. Specifically, these NY state employees essentially commenced black bag operations, including illegal wiretapping, against whomever they chose- and without legitimate or lawful purpose.

This complaint concerns the illegal use and abuse of such lawful operations for personal and political gain, and all such activity while acting under the color of law. This un-checked access to highly-skilled operatives found undeserving protection for some connected wrong-doers, and the

ANSWER AND COUNTER COMPLAINT

Monday, June 30, 2014

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complete destruction of others- on a whim, including the pre-prosecution priming of falsehoods (set-ups). The aftermath of such abuse for such an extended period of time is staggering.

It is believed that most of the 1.5 million-plus items in evidence now under seal in Federal District Court for the Eastern District of New York, case #09cr405 (EDNY) supports the fact, over a ten-year-plus period of time, of the illegal wiretapping of New York State judges, attorneys, and related targets, as directed by state employees.

One sworn affidavit, by an attorney, confirms the various illegal activity of Manhattan's attorney ethics committee, the Departmental Disciplinary Committee (the DDC), which includes allowing cover law firm operations to engage in the practice of law without a law license. Specifically, evidence (attorney affidavits, etc.) supports the claim that Naomi Goldstein, and other DDC employees supervised the protection of the unlicensed practice of law. The evidence also shows that Ms. Goldstein knowingly permitted the unlicensed practice of law, over a five-year-plus period of time, for the purpose of gaining access to, and information from, hundreds of litigants.

Evidence also supports the widespread illegal use of black bag operations by the NYS employees for a wide-range of objectives: to target or protect a certain judge or attorney, to set-up anyone who had been deemed to be a target, or to simply achieve a certain goal. The illegal activity is believed to not only have involved attorneys and judges throughout all of the New York State, including all 4 court-designated ethics departments, but also in matters beyond the borders of New York.

The set-up of numerous individuals for an alleged plot to bomb a Riverdale, NY Synagogue. These individuals are currently incarcerated. The trial judge, U.S. District Court Judge Colleen McMahon, who publicly expressed concerns over the case, saying, I have never heard anything like the facts of this case. I don't think any other judge has ever heard anything like the facts of this case. (2nd Circuit 11cr2763).

**The concerted effort to fix numerous cases where confirmed associates of organized crime had made physical threats upon litigants and/or witnesses, and/or had financial interests in the outcome of certain court cases.**

The judicial and attorney protection/operations, to gain control, of the \$250 million-plus Thomas Carvel estate matters, and the pre-prosecution priming of the \$150 million-plus Brooke Astor estate.

The wire-tapping and ISP capture, etc., of DDC attorney, Christine C. Anderson, who had filed a lawsuit after being assaulted by a supervisor, Sherry Cohen, and after complaining that certain evidence in ethics case files had been improperly destroyed. (See SDNY case #07cv9599 - Hon. Shira A. Scheindlin, U.S.D.J.)

The eToys litigation and bankruptcy, and associates of Marc Dreir, involving over \$500 million and the protection by the DDC of certain attorneys, one who was found to have lied to a federal judge over 15 times.

The set-up and chilling of effective legal counsel of a disabled woman by a powerful CEO and his law firms, resulting in her having no contact with her children for over 6 years.

The wrongful detention for 4 years, prompted by influential NY law firms, of an early whistleblower of the massive Wall Street financial irregularities involving Bear Sterns and where protected attorney-client conversations were recorded and distributed.

The blocking of attorney accountability in the \$1.25 billion Swiss Bank Holocaust Survivor settlement where one involved NY admitted attorney was ultimately disbarred- in New Jersey. Only then, and after 10 years, did the DDC follow with disbarment. *Gizella Weisshaus v. Fagan.*

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**NY SUPREME COURT BOSSES ILLEGALLY WIRETAPPING JUDGES CHAMBERS & HOMES. CHRISTINE ANDERSON WHISTLEBLOWER ILLEGALLY TARGETED FOR 24/7/365 SURVEILLANCE IN RELATED CASE TO IVIEWIT ELIOT BERNSTEIN RICO...**

FOR IMMEDIATE RELEASE

(Free-Press-Release.com) May 14, 2013 -- According to news reports, yes, the heads of the NY Supreme Court Ethics Department have been accused of derailing Justice by targeting victims and misusing Government Resources against private citizens with no other motive then Obstruction of Justice in court and regulatory actions against them or their cronies.

World Renowned Inventor Eliot Bernstein files NEW RICO RELATED CRIMINAL ALLEGATIONS against Law Firms Proskauer Rose, Foley & Lardner, Greenberg Traurig and more. Allegations that Bernstein was a target of these criminals cloaked as ATTORNEY AT LAW ETHICS BOSSES at the NY Supreme Court were presented to Federal Judge Shira A. Scheindlin. That evidence was presented that Bernstein's father may have been a target and murdered for his efforts to notify the authorities and more!!!

READ ALL ABOUT IT @

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130512%20FINAL%20Motion%20to%20Rehear%20and%20Reopen%20Obstruction%20of%20Justice165555%20WITH%20EXHIBITS.pdf>

PREVIOUS PRESS RELEASES RELATING TO JUDGES ILLEGALLY WIRETAPPED

That on Tuesday, February 19, 2013, ECC released the story,

**ETHICSGATE UPDATE FAXED TO EVERY U.S. SENATOR THE ULTIMATE VIOLATION OF TRUST IS THE CORRUPTION OF ETHICS OVERSIGHT EXCLUSIVE UPDATE:**

<http://exposecorruptcourts.blogspot.com/2013/02/ethicsgate-update-faxed-to-every-us.html>

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**IVIEWIT LETTER TO US DOJ OFFICE OF INSPECTOR GENERAL MICHAEL E. HOROWITZ**

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130520%20FINAL%20Michael%20Horowitz%20Inspector%20General%20Department%20of%20Justice%20SIGNED%20PRINTED%20EMAIL.pdf>

#### **IVIEWIT RICO MOTION FOR CLARIFICATION:**

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130513%20FINAL%20Motion%20for%20Clarification%20of%20Order174604%20WITH%20NO%20EXHIBITS.pdf>

Investigative Blogger Crystal Cox Sues Forbes and the New York Times for Defamation. March 6, 2013

<http://www.free-press-release.com/news-investigative-blogger-crystal-cox-sues-forbes-and-the-new-york-times-for-defamation-1362547010.html>

#### **COURT CASES OF INTEREST**

COX VS. RANDAZZA, ET AL. " NEVADA RICO CASE NO. 2:13-CV-00297-JCM-VCF  
CHANGED TO 2:13-CV-00297 JCM (NJK) CHANGED TO 2:13-CV-00297 MMD-VCF

OBSIDIAN FINANCE GROUP, LLC ET AL. V. COX CASE NO. 3:11-CV-00057-HZ (Famed First Amendment Rights Attorney at Law and Professor, Eugene Volokh, Esq., Professor at UCLA School of Law is representing Cox on Appeal)

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#### **THE BEGINNING OF THE END ~ NEW YORK SENATE JUDICIARY COMMITTEE HEARINGS**

September 24, 2009 - Second Hearing

Public Hearing: Standing Committee On The Judiciary New York Senate Judiciary Committee  
John L. Sampson Chairman

#### **SENATE STANDING COMMITTEE ON THE JUDICIARY NOTICE OF PUBLIC HEARING**

**SUBJECT:** The Appellate Division First Department Departmental Disciplinary Committee, the grievance committees of the various Judicial Districts and the New York State Commission on Judicial Conduct

**PURPOSE:** This hearing will review the mission, procedures and level of public satisfaction with the Appellate Division First Department Departmental Disciplinary Committee, the grievance committees of the various Judicial Districts as well as the New York State Commission on Judicial Conduct

#### **ORAL TESTIMONY BY:**

Witness List for Judiciary Hearing 9/24/09 The Judicial & Attorney Disciplinary Process in the State of New York

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1. Richard Kuse of New City, NY
2. Victor Kovner of the Fund for Modem Courts
3. Douglas Higbee of Mamaroneck, NY
4. Judith Herskowitz of Miami Beach, FL
5. Peter Gonzalez of Troy, NY
6. Andrea Wilkinson of Rensselaer, NY
7. Maria Gkanios of Mahopac, NY
8. Dominic Lieto of Mahopac, NY
9. Regina Felton Esq of Brooklyn, NY
10. Kathryn Malarkey of Purchase, NY
11. Nora Renzuli, Esq. of Staten Island, NY
12. Stephanie Klein of Long Beach, NY
13. Ike Aruti of Rosedale, NY
14. Terrence Finnian of Keene, NY
15. Gizella Weisshaus, NY
- 16. Eliot I. Bernstein of Boca Raton, FL**
17. Suzanne McCormick & Patrick Handley of NY

The Appellate Division of the Supreme Court is the entity that is legally responsible for enforcing the Rules of Professional Conduct governing the conduct of attorneys in New York State. The Appellate Division Departments have created grievance committees that are charged with the investigation of complaints against attorneys. Within the First Judicial Department the Departmental Disciplinary Committee of the Appellate Division investigates complaints against attorneys. The New York State Commission on Judicial Conduct was created by the State Constitution and is charged with investigating complaints against Judges and Justices of the Unified Court System.

According to the 2009 Report of the Commission on Judicial Conduct, there were 1,923 complaints filed in 2008. Yet of these complaints only 262 were investigated and of those, 173 were dismissed. This hearing will examine the processes and procedures that are followed by the various agencies charged with the responsibility of enforcing the rules and regulations that must be followed by the Judiciary and the Bar in the State of New York. It will also evaluate public satisfaction with the disciplinary process.

201. That if this Court would like a more definite type statement at this time of all known participants and each act they have committed in the Conspiracies, including those already pled in the Estate cases Petitioner will be happy to provide a statement similar to a RICO Statement to tie dots together in any Amended Complaint where further explanation may be requested.
202. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment against Defendants for Civil Conspiracy, jointly and severally, personally and professionally, for remedies as may be awarded Plaintiff under other

Counts herein, together with such other and further relief as the Court may deem just and appropriate.

### **COUNT 2 - CIVIL EXTORTION**

203. This is an action for Civil Extortion under Florida Statutes.
204. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through       , inclusive.
205. That the Defendants worked together in combinations and separately to illegally seize Dominion and Control of BFR and the children's trust funds, which were the primary sources of funding for Eliot's family.
206. That Defendants worked together in combinations and separately to then begin a Pattern and Practice of extortions to destroy BFR and the children's trusts, in efforts to extort Eliot to either accept improper distributions to his children by participating in their fraud or else deprive Eliot of his and his children's inheritances. When Eliot refused and instead began investigations with civil and criminal authorities, Defendants worked together to interfere and deprive Eliot and his family of inheritances due them and deplete trust funds in his three minor children's trusts and leave them with no income that had been set up by Simon and Shirley in their estate plans.
207. That Eliot and his children had been set up financially through entities by both Simon and Shirley while living and intended to continue after their deaths through their ELABORATE estate plans specifically for Eliot and his family's PROTECTION, designed to provide monthly income and school funds for his family into the future for many years, in combination with Eliot's vast holdings under Shirley's Estate & Trusts, where ELIOT or his children are approximately one third beneficiaries. Again, Eliot siblings Theodore and his sister Pamela had been wholly disinherited and considered predeceased for Shirley and Simon's Estate and Trusts. When Shirley died her Trusts

that held millions of dollars in assets then became irrevocable with Eliot, Lisa and Jill and their lineal descendants as the only ultimate beneficiaries.

208. As defined in the Wills and Trusts of Simon and Shirley through elaborate planning tools, including combinations of Trusts for BOTH Eliot and his family, LLC's, LLLP's and more, such as BFR, Bernstein Family Investments, Bernstein Holdings, etc., where Eliot and or his children are direct beneficiaries and should be in control of such business entities but these too have all been improperly seized.
209. That both Simon and Shirley completed mirrored Wills and Trusts in 2008, according to deposition statements made by Donald Tescher on July 09, 2014, and these plans wholly left their Estates and Trusts and all properties to Eliot, Lisa and Jill and their lineal descendants only. Documents provided for the 2008 Wills and Trusts of Shirley and Simon's appear materially different and not mirrored and are already questioned in prior filed and unheard motions of Eliot's as to their legal validity.
210. That Shirley died with her 2008 Will and Trusts as the Dispositive documents, with Simon as a beneficiary while alive and Trustee and only Eliot, Lisa and Jill and their lineal descendants as the ultimate beneficiaries. Simon could neither add nor subtract beneficiaries to Shirley's plans once she died as the trusts became irrevocable, despite efforts by the former PR/Executors/Trustees, Tescher, Spallina and Ted to illegally achieve changes to the Beneficiaries through a series of proven fraudulent and admitted forged and fraudulently altered documents and then subsequent distributions were made as if these changes were legal and this to the advantage of Theodore and Pamela and to the disadvantage of others. Simon in no way could execute a Power of Appointment to make any changes to the Class of Beneficiaries (Eliot, Lisa and Jill and their lineal descendants) once she passed away. Yet efforts were made to change the Beneficiaries of these irrevocable trusts and assets

were then sold and distributions made to knowingly improper parties by the former PR's, Fiduciaries and Counsel for Simon and Shirley's Estates and Trusts.

211. That in 2012 Shirley's Estate was reopened by Hon. Judge Martin Colin due to Fraud committed by Tescher, Spallina, TSPA, Theodore, Manceri and Moran et al. and remains open today, pending ongoing litigation.
212. That in 2012 it is ALLEGED that Simon annulled his 2008 Will (instead of Amending it) and replaced it with an alleged 2012 Will and further Amended his 2008 Trusts and replaced it with a 2012 Amended and Restated Trust, only six weeks before he passed suddenly and unexpectedly.
213. That in 2013 it is proven in this Court in the Estate and Trust cases that POST MORTEM, Simon closed the Estate of Shirley, while dead for four months acting as Personal Representative, yes dead and done with Fraudulently Notarized, Fraudulent and Forged documents that has already led to one an arrest for felony acts.
214. That in 2013 it was learned from the Governor Rick Scott's Office Notary Public Division that the notarizations on the ALLEGED 2012 Will and Amended and Restated Trust were improper and where Simon cannot now said to have been present on the date the document is alleged signed, due to such improper notarization and legally void for this and other defects. The documents have been challenged before this Court for the 2012 Will and Trusts of Simon.
215. That Eliot has assisted the PBSO financial crimes division with information regarding alleged further criminal acts that are ongoing and primarily committed by Officers of this Court and Fiduciaries of this Court and due to this fact, they have conspired to deny Eliot and his family, including three minor children of their inheritances, have stolen monies from Eliot and his children's pre-funded trusts and companies and then knowing that they were harming Eliot and his family, they proceeded

to repeatedly attempt to force Eliot to either partake in illegal activities or starve and possibly be foreclosed on and evicted from their home and more.

216. That these efforts to foreclose on the home and starve out Eliot and his family upon their deaths, completely defeats the wishes of both Simon and Shirley Bernstein in the elaborate estate planning mechanisms they put in place to protect Eliot and his family's assets, in some instances these plans were solely for Eliot and his family.
217. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment against Defendants for Civil Extortion, jointly and severally, personally and professionally, for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

### **COUNT 3 - THEFT**

218. This is an action for Theft under Chapter       , Florida Statutes.
219. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through       , inclusive.
220. That theft of property has occurred with the misuse of bank accounts, including POST MORTEM held in the Estates and Trusts and through a series of frauds have left assets missing and unaccounted for at this time and with no financial records or tax records provided by the fiduciaries of BFR or any of the trustees of the numerous trusts sued hereunder.
221. That theft of property has occurred with the theft of personal property from the Estates and Trusts of Simon and Shirley as reported in several instances already to criminal authorities.
222. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment against Defendants for Theft, jointly and severally, personally and professionally, for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

**COUNT 4 – FRAUDULENT CONVERSION**

223. This is an action for Fraudulent Conversion under Florida Statutes.
224. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through       , inclusive.
225. That Spallina, Tescher, Theodore, Craig, Worth, Manceri, Rose, Pankauski and others have interfered with Eliot and his children's inheritances by falsifying documents and other criminal acts and civil torts to convert assets to improper parties and seize Dominion and Control of various trusts and estates assets with intent and destroy, suppress and deny Eliot and his family of their inheritances.
226. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment against Defendants for Conversion, jointly and severally, personally and professionally, for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

**COUNT 5 – INTENTIONAL INTERFERENCE WITH AN INHERITANCE/EXPECTANCY**

227. This is an action for Torturous Interference with an Inheritance under Florida Statutes.
228. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through       , inclusive.

229. That Eliot and/or his children had expectancy from the Trusts, Estates and Entities of Simon and Shirley Bernstein sued hereunder and there has been intentional interference with the expectancy through tortuous conduct that caused and continue to cause damages.

230. That Spallina, Tescher, Theodore, Craig, Worth, Manceri, Rose, Pankauski and others have interfered with Eliot and his children's inheritances through a number of schemes and artifices to defraud and by falsifying dispositive documents to convert assets to improper parties and seize Dominion and Control of various trusts and estates assets with intent and destroy, suppress and deny Eliot and his family of their inheritances.

231. That Eliot and his family have been denied access to Estate and Trust documents and accountings for now four years in Shirley's Estates and Trusts and two years in Simon's Estates and Trusts in efforts to deny them their inheritances and convert the properties to improper parties. That despite the fact that Simon and Shirley's Estate and Trusts were to be distributed to Eliot and his children immediately upon their deaths to provide income for their health, maintenance, schooling and more, through intentional egregious acts of bad faith and criminal activity Eliot and his family have not received any inheritance in almost two years, which was intentionally caused to harm them.

232. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment against Defendants for Intentional Interference with an Inheritance/Expectancy, jointly and severally, personally and professionally and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

**COUNT 6 – CIVIL FRAUD**

233. This is an action for Civil Fraud under Florida Statutes.

234. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through       , inclusive.

235. That a complex set of frauds have taken place in the Estates and Trusts of Simon and Shirley and some are already proven such as improper notarizations of Wills and Trusts of Simon, proven fraudulently notarized Waivers in Shirley's Estate, proven Fraud on this Court through use of a deceased person, Simon, to act as Personal Representative to close an Estate through documents filed by the law offices of Tescher and Spallina on behalf of a dead PR and with no notice to the Court for months that the PR that was filing the documents had passed and this was done with scienter with this Court POST MORTEM.

236. That when Simon died the Estate of Shirley had not been closed and in order to attempt to change her Beneficiaries of her Estate and Irrevocable Trusts, the scheme needed Simon to be alive and close the Estate and then attempt to use an ALLEGED Power of Appointment to make changes that could not be made legally, therefore Simon was used POST MORTEM for several months while dead to close Shirley's Estate and then try and make changes to her Beneficiaries, again, POST MORTEM.

237. That similar fraudulent activity is taking place with the children's Trusts, BFR, the Estates, virtually all of the Trusts and entities sued hereunder, where documents are not complete, there are missing signatures, assets are being stolen and funds improperly used by the fiduciaries in self-dealing transactions that have benefited various of the Defendants in various combinations.

238. That virtually every act of the Fiduciaries and their Counsel has been fraudulent since the altering and changing of dispositive documents to illegally seize Dominion and Control of the Estates, Trusts and Entities in efforts to loot the Estates, Trusts and Entities of Simon and Shirley through various subsequently fraudulent acts.

239. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment against Defendants for Frauds, jointly and severally, personally and professionally, for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

**COUNT 7 - BREACH OF FIDUCIARY DUTIES**

240. This is an action for Breach of Fiduciary Duties under Florida Statutes.
241. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through       , inclusive.
242. That the fiduciaries of the Estates and Trusts of Simon and Shirley are alleged to have gained their fiduciary positions through a series of fraudulent documents and thus EVERY action they have taken is a breach of fiduciary duties through combinations of self-dealing transactions, excessive compensations, excessive and unjustified legal fees (including billing for time to respond to investigators and more), improper and illegal investment decisions and a mass of pilfering and stealing of assets.
243. That despite being aware of their involvement in criminal acts, the fact that they are under ongoing investigations, the fact that the dispositive documents have been challenged and found fraught with fraud and more, the fiduciaries, primarily now Theodore since the counsel he brought to the Bernstein family, Tescher and Spallina, are removed, continues to act and abuse his alleged fiduciary powers to harm and deceive beneficiaries despite his absolute and irrefutable conflicts of interest and adverse interests that factually preclude his involvement further as fiduciary. Yet, despite knowing of his reasons that he cannot now serve in any fiduciary capacities he continues with his counsel to act in disregard of his fiduciary duties, in efforts to liquidate assets in fire sale self-dealing transactions before he is removed, Theodore even taking distributions against the advice of counsel

as claimed by Spallina to PBSO, all in efforts to loot further the Estates and Trusts before he is fully removed in every capacity in the Estates and Trusts of Simon and Shirley.

244. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment against all Defendants in any Fiduciary role for any of the trusts sued hereunder for Breach of Fiduciary Duties under 736.1001 Remedies for breach of trust and other applicable statutes both jointly and severally, personally and professionally, and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 8 - ABUSE OF PROCESS**

245. This is an action for Abuse of Process under Florida Statutes.

246. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through \_\_, inclusive.

247. That improper use of the court's process has taken place repeatedly, including the filing of this instant action with ulterior and improper motives of the defendants in exercising such illegal use of process and damages to the Eliot and his family have resulted from such abuse of process with malice.

248. That all of the document Frauds have been implemented using the Court processes to achieve Dominion and Control of the Estates and Trusts through a series of fraudulent dispositive documents crafted to commit fraud both on the Court and the Beneficiaries, Interested Parties and Creditors.

249. That several instances of Fraud on this Court by Officers and Fiduciaries of this Court are already proven and this represents irrefutable evidence of Abuse of Process, similar to the abuse of process in this action, whereby the Courts are being used to attempt to diffuse and cover up the crimes that have taken place in the children's school trusts and BFR.

250. That these are efforts to abuse process with expensive and abusive legal harassment in efforts to further harm beneficiaries by causing expensive delays in estate administration and billing up outrageous attorney fees and costs through frivolous and fraudulent pleadings?

251. That Gray Robinson and Steven Lessne have abused process by contacting Eliot and Candice under false premises to gain insight into highly confidential and sensitive information regarding their legal strategies against Oppenheimer, initially claiming to represent BFR and Eliot's children's pre funded school trusts when really representing Oppenheimer's Craig as Trustee and Manager of BFR. Then using this ill gained information to file a lawsuit to further harass Eliot and Candice.

252. That Gray Robinson knowing of Fraud allegations against Craig, Worth and others involved in these matters, then tried to escape from their fiduciary obligations to report the crimes through legal process and filed this instant action with a separate Judge at this Court and without notifying the Court or new Judge or the authorities of the illegally activities alleged against their client Oppenheimer et al. They also did not file this as part of the Court cases before Hon. Judge Martin Colin, while knowing of the related Estate and Trusts actions already in play and directly related to these matters, in efforts to be released from their fiduciary obligations and more before anyone was the wiser.

253. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, personally and professionally, for Abuse of Process and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate, together with such other and further relief as the Court may deem just and appropriate.

**COUNT 9 - LEGAL MALPRACTICE**

254. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through       , inclusive.

255. This is an action for Legal Malpractice under Florida Statutes.

256. That Gray Robinson and Steven Lessne have committed legal malpractice by contacting Eliot and Candice under false premises to gain insight into highly confidential and sensitive information regarding their legal strategies against Oppenheimer, Spallina, Tescher, Theodore, Manceri et al. initially claiming to represent BFR and Eliot's children's pre funded school trusts when really Lessne was representing Oppenheimer's Craig as Trustee of the children's trusts and Manager of BFR, not the entities and beneficiaries of the entities.

257. That Attorneys at Law, Spallina, Tescher, Manceri, Rose, Pankauski, Worth and others have worked together to commit frauds, frauds on the courts and more in direct efforts to commit a series of criminal wrongdoings and civil torts against parties to the Estates and Trusts of Simon and Shirley and other related entities, which have enriched them greatly through legal fees and more.

258. That all Attorneys at Law named as Defendants hereunder have committed malpractice by subverting their clients' interests and participating in a variety of criminal acts resulting in a mass of civil torts to the beneficiaries of the Estates and Trusts of Simon and Shirley. That through a web of conflicting interests and adverse interests they have worked alone and in various combinations to violate virtually the entire Attorney Conduct Codes and State and Federal Laws.

259. That the Attorneys at Law have enriched themselves through these fraudulent activities to the disadvantage of Eliot and his family.

260. That the Attorneys at Law named hereunder as Defendant, in some instances even admittedly, altered Estate and Trusts documents to enrich themselves and others, while intentionally causing problems with the Beneficiaries to gin up disputes that resulted in excessive legal fees for themselves and the

fiduciaries, in some cases the Attorneys also acting as the Fiduciaries and then counsel to themselves as the fiduciaries, as the case is with Tescher and Spallina.

261. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment against Defendants for Legal Malpractice, jointly and severally, professionally and personally and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 10 – EQUITABLE LIEN**

262. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through       , inclusive.
263. This is an action to impose an Equitable Lien on the Estates and Trusts Assets in both the Simon and Shirley Estates that were seized illegally from December 08, 2010 when Shirley deceased and then further from September 13, 2012 when Simon deceased through a series of fraudulent activities that transferred Dominion and Control of the assets to improper parties and have since led to numerous other fraudulent activities under ongoing State and Federal investigations both civil and criminal.
264. That this is an action for an Equitable Lien on the children's Trusts, all Trusts sued hereunder and all entities sued hereunder that Simon and Shirley had interests in, due to the fraudulent activity taking place and to preserve and protect the assets.
265. That the Defendants have become enriched unjustly due to the criminal acts and civil torts defined herein.
266. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment for an Equitable Lien and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

**COUNT 11 - ACCOUNTING**

267. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through       , inclusive.
268. This is an action against Theodore, Craig, Worth, Spallina and Tescher and others who have failed to provide accountings for the Estates or Trusts to the Beneficiaries and Interested Parties as statutorily required for full formal accountings of all Trusts, Estates and Entities involved in the estate plans of Simon and Shirley and sued hereunder.
269. That Theodore has failed to provide accounting in any of his alleged roles as a fiduciary in the Estates and Trusts of Shirley and Simon as required by law since he allegedly began acting as a fiduciary.
270. That Spallina and Tescher and all other current and former trustees (excluding Benjamin Brown, Esq. the Curator of Simon's Estate and the new Successor PR of the Estate of Simon, Brian O'Connell, Esq.) failed to provide accountings or tender documents to Beneficiaries and Interested Parties according to well established probate rules and statutes in their roles as fiduciaries and counsel to the Estates and Trusts of Simon and Shirley as required by law.
271. That Theodore after allegedly becoming Successor Trustee to the Trusts of Simon has failed to provide an accounting or any other evidence that he was elected legally as the Successor Trustee.
272. That Theodore after acting for almost a year in Shirley's Estates and Trusts with no legal authority or notice or accountings to beneficiaries, was then appointed PR of the Estate of Shirley by Judge Colin

and since October 2013 has failed to provide an accounting, his letters or any other documents to the beneficiaries in violation of Probate Rules and Statutes.

273. All Trustees in ALL of the trusts created by Simon and Shirley Bernstein and so sued hereunder have failed under;

736.0813 Duty to inform and account.—The trustee shall keep the qualified beneficiaries of the trust reasonably informed of the trust and its administration.

(1) The trustee's duty to inform and account includes, but is not limited to, the following:

(a) Within 60 days after acceptance of the trust, the trustee shall give notice to the qualified beneficiaries of the acceptance of the trust, the full name and address of the trustee, and that the fiduciary lawyer-client privilege in s. 90.5021 applies with respect to the trustee and any attorney employed by the trustee.

(b) Within 60 days after the date the trustee acquires knowledge of the creation of an irrevocable trust, or the date the trustee acquires knowledge that a formerly revocable trust has become irrevocable, whether by the death of the settlor or otherwise, the trustee shall give notice to the qualified beneficiaries of the trust's existence, the identity of the settlor or settlors, the right to request a copy of the trust instrument, the right to accountings under this section, and that the fiduciary lawyer-client privilege in s. 90.5021 applies with respect to the trustee and any attorney employed by the trustee.

(c) Upon reasonable request, the trustee shall provide a qualified beneficiary with a complete copy of the trust instrument.

(d) A trustee of an irrevocable trust shall provide a trust accounting, as set forth in s. 736.08135, from the date of the last accounting or, if none, from the date on which the trustee became accountable, to each qualified beneficiary at least annually and on termination of the trust or on change of the trustee.

(e) Upon reasonable request, the trustee shall provide a qualified beneficiary with relevant information about the assets and liabilities of the trust and the particulars relating to administration.

274. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff demands judgment for accountings for ALL Estate and Trusts of both Shirley and Simon sued hereunder that have been denied in violation of statutes and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

**COUNT 12 – REMOVE DEFENDANTS IMMEDIATELY FROM ALL FIDUCIARY AND  
LEGAL POSITIONS IN THE ESTATES AND TRUSTS AND OTHER ENTITIES OF  
SIMON AND SHIRLEY BERNSTEIN**

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275. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through \_\_, inclusive.

276. This is an action to remove the current ALLEGED Trustee of the Estate and trusts of Shirley, Theodore, the Trustee of Simon's trusts, again Theodore, the Trustee of the children's school Trusts, Craig and Worth and the Manager of BFR, Craig.

736.0706 Removal of trustee

277. This is an action to remove the current ALLEGED Counsel to the Trustee of the Estate and trusts of Shirley, Rose and Pankauski, the Counsel to the Alleged Trustee of Simon's trusts, again Rose and Pankauski, the Counsel for the Trustee of the children's school Trusts, Gray Robinson, the Counsel for the Manager of BFR, Gray Robinson and all other unknown counsel to any of the trustees who have acted alone and in combination with each other, with the fiduciaries of the various trusts and wills and other defendants to violate the trusts and wills of Simon and Shirley sued hereunder.

278. That on July 11<sup>th</sup> 2014 Theodore's Motion to be Appointed Personal Representative of the Estate of Simon to replace the Curator, Benjamin Brown, Esq. that was installed after Tescher and Spallina were removed in all capacities from the Estates and Trusts of Simon and Shirley Bernstein amidst the criminal acts and civil torts proven, admitted and alleged in the Estates and Trusts thus far and where after making a bid to become the Successor PR, against a tidal wave of opposition and legally sound reasons that do not make him qualified now to act in any fiduciary capacities in either the Estates and Trusts of Simon and Shirley, Theodore withdrew his request after wasting this Court and everyone's time, including a mass of legal fees encumbered by all parties and allowed an independent Third Party Personal Representative to be elected, Brian O'Connell, Esq.

279. That Theodore is not now qualified to be Personal Representative or Trustee or Manager of any of Simon and Shirley's Wills and Trusts and entities created by them for the beneficiaries, as he has a

plethora of Conflicts of Interests, he has absolute Adverse Interests in both Simon and Shirley's Estates and Trusts, he is under ongoing criminal investigations and civil actions that further make him conflicted and unable to legally serve and he must instantly be removed by this Court to preserve and protect the assets of Simon and Shirley from further Fraud and more that Theodore is the central alleged perpetrator of. Where Theodore has directly benefited the most from the criminal acts already proven, admitted and alleged and Theodore has been considered in all Wills and Trusts of Simon and Shirley as PREDECEASED and wholly disinherited. Theodore therefore has no real beneficial interest in these matters in light of the allegations against him, to be a Fiduciary in light of the ongoing messes caused under his tutelage and aided and abetted by Attorneys at Law that are his friends and business associates who all came in to the Estate and Trust matters through their relations to Theodore. Theodore must be removed as he and his sister Pamela are the direct benefactors of all these problems and criminal acts committed thus far, to the disadvantage of other beneficiaries, interested parties and creditors.

280. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment to REMOVE COUNTER DEFENDANTS IMMEDIATELY FROM ALL FIDUCIARY AND LEGAL POSITIONS IN THE ESTATES AND TRUSTS AND OTHER ENTITIES OF SIMON AND SHIRLEY BERNSTEIN and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 13 - PREMLINARY INJUNCTION**

281. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through \_\_, inclusive.

282. This is an action under Florida Statute 526.312 and any other applicable statutes to prohibit instantly the current ALLEGED Trustee of the Estate and trusts of Shirley, Theodore, the Trustee of Simon's trusts, again Theodore, the Trustee of the children's school Trusts, Craig and Worth and the Manager of BFR, Craig from any further actions in any capacities until these matters of fraud and more can be fully resolved both criminally and civilly before this Court and state and federal civil agencies.

283. That this injunction should freeze all assets held in ALL Trusts, Estates and Entities named hereunder to preserve them from further fraud being committed by fiduciaries and counsel to the fiduciaries, who are all alleged to be directly involved in the prior criminal acts, ongoing alleged criminal acts and admitted criminal acts and that no further acts regarding the assets should be made without direct Court approval, including ALL Attorney at Law fees, costs or any other transactions other than those already arranged by the Court with Brian O'Connell and Benjamin Brown. That this is to include all properties held in all trusts and entities that Simon and Shirley owned or have any interest in.

284. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment a Preliminary Injunction and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

**COUNT 14 – BREACH OF CONTRACT**

**HERITAGE UNION LIFE INSURANCE CONTRACT**

285. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through \_\_, inclusive.

286. This is an action for Breach of Contract under Florida Statutes.

287. SEE FEDERAL COURT CASE

288.

289. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiff prays for judgment a Preliminary Injunction and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

Filed on Monday, June 30, 2014

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his three minor children.

X\_\_\_\_\_

Candice Bernstein, Pro Se, as legal guardian on behalf of her three minor children.

X\_\_\_\_\_

#### CERTIFICATE OF SERVICE

I, ELIOT IVAN BERNSTEIN, HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to all parties on the following Service List, Monday, June 30, 2014.

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his three minor children

X\_\_\_\_\_

#### SERVICE LIST

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<p>RESPONDENT PERSONALLY, PROFESSIONALLY, AS A GUARDIAN AND TRUSTEE FOR MINOR/ADULT CHILDREN, AS AN ALLEGED TRUSTEE AND ALLEGED PERSONAL REPRESENTATIVE</p> <p>Theodore Stuart Bernstein Life Insurance Concepts 950 Peninsula Corporate Circle, Suite 3010 Boca Raton, Florida 33487 <a href="mailto:tbernstein@lifeinsuranceconcepts.com">tbernstein@lifeinsuranceconcepts.com</a></p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald &amp; Rose, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 (561) 355-6991 <a href="mailto:arose@pm-law.com">arose@pm-law.com</a> and <a href="mailto:arose@mracheck-law.com">arose@mracheck-law.com</a> <a href="mailto:mchandler@mracheck-law.com">mchandler@mracheck-law.com</a> <a href="mailto:cklein@mracheck-law.com">cklein@mracheck-law.com</a> <a href="mailto:lmrachek@mracheck-law.com">lmrachek@mracheck-law.com</a> <a href="mailto:rfitzgerald@mracheck-law.com">rfitzgerald@mracheck-law.com</a> <a href="mailto:skonopka@mracheck-law.com">skonopka@mracheck-law.com</a> <a href="mailto:dthomas@mracheck-law.com">dthomas@mracheck-law.com</a> <a href="mailto:gweiss@mracheck-law.com">gweiss@mracheck-law.com</a> <a href="mailto:jbaker@mracheck-law.com">jbaker@mracheck-law.com</a> <a href="mailto:mchandler@mracheck-law.com">mchandler@mracheck-law.com</a> <a href="mailto:lchristian@mracheck-law.com">lchristian@mracheck-law.com</a> <a href="mailto:tclarke@mracheck-law.com">tclarke@mracheck-law.com</a> <a href="mailto:gdavies@mracheck-law.com">gdavies@mracheck-law.com</a> <a href="mailto:pgillman@mracheck-law.com">pgillman@mracheck-law.com</a> <a href="mailto:dkelly@mracheck-law.com">dkelly@mracheck-law.com</a> <a href="mailto:cklein@mracheck-law.com">cklein@mracheck-law.com</a> <a href="mailto:lwilliamson@mracheck-law.com">lwilliamson@mracheck-law.com</a></p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 <a href="mailto:courtfilings@pankauskilawfirm.com">courtfilings@pankauskilawfirm.com</a> <a href="mailto:john@pankauskilawfirm.com">john@pankauskilawfirm.com</a></p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Robert L. Spallina, Esq., Teschner &amp; Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 <a href="mailto:rspallina@tescherspallina.com">rspallina@tescherspallina.com</a> <a href="mailto:kmoran@tescherspallina.com">kmoran@tescherspallina.com</a> <a href="mailto:ddustin@tescherspallina.com">ddustin@tescherspallina.com</a></p>
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RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD  Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 <a href="mailto:jilliantoni@gmail.com">jilliantoni@gmail.com</a>	COUNSEL TO CREDITOR WILLIAM STANSBURY  Peter Feaman, Esquire Peter M. Feaman, P.A. 3695 W. Boynton Beach Blvd. Suite #9 Boynton Beach, FL 33436 Tel: 561.734.5552 Fax: 561.734.5554 <a href="mailto:pfeaman@feamanlaw.com">pfeaman@feamanlaw.com</a> <a href="mailto:service@feamanlaw.com">service@feamanlaw.com</a> <a href="mailto:mkoskey@feamanlaw.com">mkoskey@feamanlaw.com</a>	COURT APPROVED CURATOR TO REPLACE THE REMOVED FORMER PERSONAL REPRESENTATIVES/CO-TRUSTEES/COUNSEL TO THEMSELVES AS FIDUCIARIES TESCHER AND SPALLINA  Benjamin Brown, Esq., Thornton B Henry, Esq., and Peter Matwiczyk Matwiczyk & Brown, LLP 625 No. Flagler Drive Suite 401 West Palm Beach, FL 33401 <a href="mailto:bbrown@matbrolaw.com">bbrown@matbrolaw.com</a> <a href="mailto:attorneys@matbrolaw.com">attorneys@matbrolaw.com</a> <a href="mailto:bhenry@matbrolaw.com">bhenry@matbrolaw.com</a> <a href="mailto:pmatwiczyk@matbrolaw.com">pmatwiczyk@matbrolaw.com</a>	COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN  William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 <a href="mailto:wpearsonlaw@bellsouth.net">wpearsonlaw@bellsouth.net</a>
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RESPONDENT/REPRIMANDED BY FLORIDA GOVERNOR RICK SCOTT NOTARY PUBLIC DIVISION FOR FAILING TO NOTARIZE AN ALLEGED 2012 WILL AND TRUST OF SIMON AND SIGNING NOTARY UNDER FALSE NAME  Lindsay Baxley aka Lindsay Giles <a href="mailto:lindsay@lifeinsuranceconcepts.com">lindsay@lifeinsuranceconcepts.com</a>	RESPONDENT MINOR CHILDREN  Carley & Max Friedstein, Minors c/o Jeffrey and Lisa Friedstein Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 6003 <a href="mailto:Lisa@friedsteins.com">Lisa@friedsteins.com</a> <a href="mailto:lisa.friedstein@gmail.com">lisa.friedstein@gmail.com</a>	RESPONDENT – MINOR CHILD INITIALLY NOW ADULT CHILD  Molly Simon 1731 N. Old Pueblo Drive Tucson, AZ 85745 <a href="mailto:molly.simon1203@gmail.com">molly.simon1203@gmail.com</a>	